

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

53rd Legislative Day

June 23, 1989

PRESIDENT ROCK:

The hour of nine having arrived, the Senate will please come to Order. Will Members be at their desks and will our guests in the gallery please rise. The Prayer this morning by Father Mike Pfleger, St. Sabina Church, -- Chicago, Illinois. Father.

REVEREND PFLEGER:

(Prayer given by the Reverend Mike Pfleger)

PRESIDENT ROCK:

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

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals of Thursday, June 15th; Friday, June 16th; Monday, June 19th; Tuesday, June the 20th; Wednesday, June 21st, and Thursday, June 22nd in the year 1989, be postponed pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. ...(machine cutoff)... Resolutions.

SECRETARY HAWKER:

Senate Resolution 461 offered by Senator Topinka.

Senate Resolution 462 offered by Senator Topinka.

Senate Resolution 463 offered by Senator Rea.

Senate Resolution 464 offered by Senator Smith, President Rock and all Members.

Senate Resolution 465 offered by Senator del Valle.

Senate Resolution 466 offered by Senator Ralph Dunn.

Senate Resolution 467 offered by Senator Savickas and all Members.

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They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Joint Resolution 83 offered by Senators Berman, Holmberg, Maitland and Kustra.

It is also congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senator Joint Resolution 84 offered by Senator Dudycz.

It is substantive.

PRESIDENT ROCK:

Executive. 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 -- pardon me -- has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 8 together with House Amendments 1.

I have like Messages on Senate Bill 64 with House Amendments 1, 3 and 5.

Senate Bill 97 with House Amendments 1 and 2.

Senate Bill 125 with House Amendments 1 and 2.

Senate Bill 127 with House Amendment 1.

Senate Bill 150 with House Amendment 1.

Senate Bill 163 with House Amendments 1, 2 and 4.

Senate Bill 185 with House Amendments 1 and 7.

House <sic> Bill 197 with House Amendments 1, 2 and 3.

Senate Bill 229 with House Amendments 1, 2 and 3.

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Senate Bill 230 with House Amendment 1.  
Senate Bill 234 with House Amendment 3.  
House Amendment -- Pardon me -- Senate Bill 254 with  
House Amendment 1.  
Senate Bill 278 with House Amendments 1, 5, 8 and 9.  
Senate Bill 279 with House Amendment 1.  
Senate Bill 280 with House Amendment 2.  
Senate Bill 281 with House Amendments 1, 2, 3 and 4.  
Senate Bill 282 with House Amendment 1.  
Senate Bill 283 with House Amendment 1.  
Senate Bill 284 with House Amendment 1.  
Senate Bill 285 with House Amendments 1 and -- 1 to  
3 -- 1 through 3.  
Senate Bill 286 with House Amendments 1, 5, 6 and 7.  
Senate Bill 288 with House Amendment 1.  
Senate Bill 8 -- pardon me -- 328 with House  
Amendment 1.  
Senate Bill 384 with House Amendments 1 and 2.  
Senate Bill 404 with House Amendment 1.  
Senate Bill 405 with House Amendments 2 through 7, 9  
through 23, 25 through 32, 34, 35, 37 through 45 and  
47 through 54.  
Senate Bill 406 with House Amendments 5, 6, 7 and 8.  
Senate Bill 408 with House Amendment 1.  
Senate Bill 409 with House Amendments 1, 2, 3 and 4.  
Senate Bill 410 with House Amendment 1.  
Senate Bill 411 with House Amendments 1 and 2.  
Senate Bill 412 with House Amendments 1, 2 and 3, 5,  
6, 8, 12 and 13.  
Senate Bill 413 with House Amendments 1 and 2.  
Senate Bill 415 with House Amendments 1, 2 and 3.  
Senate Bill 416 with House Amendments 1 and 2.

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Senate Bill 418 with House Amendment 1.  
Senate Bill 420 with House Amendment 1.  
Senate Bill 421 with House Amendments 1 and 2.  
Senate Bill 422 with House Amendment 1.  
Senate Bill 423 with House -- House Amendments 1 and 2.  
Senate Bill 424 with House Amendments 1 and 2.  
Senate Bill 425 with House Amendment 1.  
Senate Bill 426 with House Amendments 1 and 2.  
Senate Bill 427 with House Amendments 1, 2 and 3.  
Senate Bill 428 with House Amendment 1.  
Senate Bill 429 with House Amendment 1.  
Senate Bill 430 with House Amendment 1.  
Senate Bill 432 with House Amendments 1, 2, 3, 4 and 6.  
Senate Bill 433 with House Amendments 1, 2, 5 and 7.  
Senate Bill 434 with House Amendment 1 and 2.  
Senate Bill 435 with House Amendments 1 through 8, 10 through 24 and 26.  
Senate Bill 436 with House Amendment 1.  
Senate Bill 437 with House Amendments 1, 7, 8, 10, 11, 13, 14 and 20.  
Senate Bill 438 with House Amendments 1 through 9.  
Senate Bill 439 with House Amendments 1, 3, 4 and 6.  
Senate Bill 440 with House Amendments 1 and 4.  
Senate Bill 441 with House Amendments 1 through 5.  
Senate Bill 442 with House Amendments 2, 14, 15, 18 and 21.  
Senate Bill 443 with House Amendments 1 through 4, 6, 8 and 9.  
Senate Bill 449 with House Amendment 1.

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Senate Bill 461 with House Amendment 1.  
Senate Bill 462 with House Amendment 1.  
Senate Bill 463 with House Amendment 1.  
Senate Bill 467 with House Amendments 2 and 4.  
Senate Bill 505 with House Amendments 1 and 3.  
Senate Bill 613 with House Amendments 1 through 4.  
Senate Bill 685 with House Amendment 1.  
Senate Bill 728 with House Amendments 1, 2 and 3.  
Senate Bill 915 with House Amendment 1.  
Senate Bill 922 with House Amendments 2 and 3.  
Senate Bill 988 with House Amendment 1.  
Senate Bill 1004 with House Amendment 2.  
Senate Bill 1075 with House Amendment 1.  
Senate Bill 1164 with House Amendments 1, 2, 3 and 6.  
Senate Bill 1166 with House Amendment 1.  
Senate Bill 1180 with House Amendment 1.  
Senate Bill 1190 with House Amendments 1 and 2.  
Senate Bill 1210 with House Amendments 1 and 3.  
Senate Bill 1258 with House Amendment 1.  
Senate Bill 1330 with House Amendment 1.  
Senate Bill 1345 with House Amendments 1 and 2.  
Senate Bill 1413 with House Amendment 2.  
Senate Bill 1449 with House Amendments 1 and 2.  
Senate Bill 1456 with House Amendment 1.  
And Senate Bill 1463 with House Amendments 1, 2 and 3.

They passed the House as amended, June 22, 1989.

Filed by John F. O'Brien, Clerk of the House.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, we'll begin on the Order of Recall. The Recall List has been distributed. There are six or

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seven items. 183. Senator Welch. On the Order of House Bills 3rd Reading is House Bill 183, Madam Secretary. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 183, Madam Secretary, please.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 3.

SENATOR WELCH:

Mr. President, I believe I have three amendments there. I'd like to withdraw the first two.

PRESIDENT ROCK:

All right. The Gentleman seeks leave to withdraw the first two amendments. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 3 strips the original bill. The original bill was the bill allowing for flat-rate costs to be pro-rated, based on the actual cost to the consumer. What the amendment does, it creates Senate Bill 4, which is a bill affecting a take-or-pay cost. And what the bill, basically, says is that the utilities have to appear before the Commerce Commission and justify what work they've done to try to reduce take-or-pay costs. I move for adoption of...

PRESIDENT ROCK:

Senator Welch has moved for the adoption of Amendment No. 3 to House Bill 183. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 497. Senator D'Arco. I'm sorry. Oh, yeah. Back on Postponed. Certainly, it goes back to Postponed Consideration. 497. Senator D'Arco. 1085. Senator Welch -- seeks leave of the Body to return House Bill 1085 to the Order of 2nd Reading for purposes of an amendment.

SECRETARY HAWKER:

Floor Amendment No. 1 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 1. We're at the bottom of Page 8, Ladies and Gentlemen.

SENATOR WELCH:

Thank you, Mr. President. What this amendment will do, is strip the original bill, and make it a bill to be a vehicle for management of tire bill. We are trying to figure out how to recycle tires. We think we have language ready to go, but we couldn't get it drafted in time, so we're hoping to use this as a vehicle, and send it over to the House. I'd move for adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 1 to House Bill 1085. 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. 1469. Senator Welch. Out of the record. 1737. Senator D'Arco. Top of Page -- I mean, Senator Marovitz. Top of -- it's Friday. Senator Marovitz seeks leave of the Body to recall

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House Bill 1737 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1737, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 2 to House Bill 1737 just clarifies that nothing in this Section shall be allowed to grant a grantee, lessee, or licensee immunity for acts or omissions committed or affecting the property on a park district or forest preserves where they are given an easement. And I would ask for adoption of the amendment.

PRESIDENT ROCK:

Senator Marovitz moves the adoption of Amendment No. 2 to House Bill 1737. Discussion? It not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendments's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1754. Right below it on Page 11. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes on an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1754, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offered by Senators Marovitz and Karpziel.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

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Thank you very much, Mr. President and Members of the Senate. Amendment No. 1 <sic> (4) to House Bill 1754 clarifies certain language, and provides that the condominium association must authorize the management company to place the association's reserve funds in a single account with the reserve funds of other associations. And provides that the management company must keep separate accounts, for each association, of the funds held by the management company for the association. I ask for adoption.

PRESIDENT ROCK:

All right. Senator Marovitz has moved the adoption of Amendment No. 4 to House Bill 1754. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 5 establishes voluntary -- voluntary arbitration of disputes among unit owners and associations. And I would ask for its adoption.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 5 to House Bill 1754. 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. Those that have been on the Recall, obviously, will be held till the end of the call, to afford the Members an

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opportunity to review the amendments. 2123. Senator Davidson. Senator Davidson -- seeks leave of the Body to return House Bill 2123 -- you don't want that. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, the Democrat staff found a technical flaw in the amendment, as prepared, and it's being redone. I'd like leave to come back to it later, as soon as they get it up here correctly.

PRESIDENT ROCK:

Sunday, Monday, it doesn't make any difference to me. All right, Ladies and Gentlemen, here we go. We got a hundred and twenty-three bills on the Order of 3rd Reading. WGN-TV and ABC-News both have requested permission to shoot some videotape. Without objection, leave is granted. We'll begin -- Senator D'Arco, you're first, on 497. ...(machine cutoff)... 498. Senator Welch. ...(machine cutoff)... Senator Welch, on 498. 530. Senator Severns. On the Order of House Bills 3rd Reading, bottom of Page 6, is House Bill 530. Read the bill, please.

SECRETARY HAWKER:

House Bill 530.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. House Bill 530 was on the Agreed Bill List - we pulled it off for an agreed amendment. It simply directs the Illinois Commerce Commission to prepare an annual report on railway accidents, in Illinois, involving hazardous materials. It directs the Commission to prepare a report by January 1st, 1991, on steps to reduce railway accidents, and the agreed amendment simply was the -- the completion of the

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reorganization adopted by the General Assembly, which took place January 1st, 1987. I know of no organized opposition. I would urge support.

PRESIDENT ROCK:

Question is, shall House Bill 530 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 530, having received the required constitutional majority, is declared passed. Bottom of Page 6. On the Order of House Bills 3rd Reading is House Bill 594. Read the bill, please.

SECRETARY HAWKER:

House Bill 594.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill provides that a county may not impose a surcharge on a municipality, lying in more than one county, if sophisticated 9-1-1 service is otherwise provided. Secondly, it allows a municipality enter into an intergovernmental agreement, with any county in which it is partially located, to become part of a county 9-1-1 System. And finally, it provides that the surcharge is imposed on the subscribers, rather than the telecommunications carrier.

PRESIDENT ROCK:

Any discussion? By the way, Ladies and Gentlemen, WAND-TV from Decatur has also requested permission to shoot some film in the gallery. Without objection, leave is granted. Further discussion? Any discussion? If not, the question is, shall House

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Bill 594 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. House Bill 594, having received the required constitutional majority, is declared passed. 602. Senator Philip. All right. With leave of the Body, we'll get back to that one. 604. Senator Netsch. Senator Netsch. On the Order of House Bills 3rd Reading, top of Page 7, is House Bill 604. Read the bill, please.

SECRETARY HAWKER:

House Bill 604.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 604 authorizes up to five percent of the amounts appropriated from the Preschool Education Program to be awarded to school districts and institutions of higher learning, to conduct model preschool programs, involving both research and teacher training components. The -- the basic thrust of this, and it incidentally costs no additional money, it is simply authorizing -- authorizing, not mandating, the use of up to five percent of the appropriation, whatever it might be, of the preschool funding. The thrust of it is to try to address the problem of inadequate teachers and others out there, in the world at large, to be able to take care of this growing responsibility and component of the public education system - that is the preschool programs. We've made major commitments in that area in our education reform package of 1985. We are slowly, very, very slowly, beginning to live up to it. But Representative Satterthwaite found, and this is certainly confirmed by others,

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that there -- we just do not have adequate resources out there, so her point is - and I -- my recollection is this was supported by the State Board of Education and others - was to try to find ways to increase the number of those who are going to be available to teach in this area. I would be happy to answer any questions. The bill was on the Agreed Bill List in the Education Committee. Otherwise, I would request support of House Bill 604. ...(machine cutoff)...

PRESIDENT ROCK:

All right. Senator -- discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

Indicates she will yield. Senator Fawell.

SENATOR FAWELL:

According to our analysis this could divert about two and a quarter million dollars from the preschool program or -- or an estimated eighteen thousand five hundred children would not receive the training necessary, because we had diverted the -- the -- the funds. Are you saying that the universities want this -- this fund, so that they can figure out why Johnny learns how to read? Is that -- is that, basically, what you're -- what the universities are after?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you. Two things, one; the maximum amount that would be available would be 1.2 million. I don't know where your figure came from. Secondly, it is not to be used for the actual teaching. The problem is, that we are beginning to increase the -- our commitment to preschool education. The -- we also have an enormous commitment to day care, which doesn't go directly through

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the education system. A lot of employees, who might be available for good preschool help, are being siphoned off, and I don't mean that in any unkind way, into day care; so that you've got this competition, and you don't have enough people. What this is intended to do is to help find ways, more quickly, to make people available to take care of the preschool education commitment. So that we can increase the number of those who are the - and I use the word teachers - in preschool, which we simply do not have now. It's to help us find ways to fill that gap much more quickly.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall House Bill 604 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Take the record. On that question, there are 47 voting Aye, 3 voting Nay, 1 voting Present. House Bill 604, having received the required constitutional majority, is declared passed. Senator Daley. 638. On the Order of House Bills 3rd Reading, top of Page 7 is House Bill 638. Read the bill, please.

SECRETARY HAWKER:

House Bill 638.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. House Bill 6-3-8 would expand the application of a child resistant seat. It would -- it states that if a child is -- it's -- the bill would expand the law by imposing the responsibility for securing a -- securing a child, on the person who provides the transportation, regardless of whether that person is a parent, or legal guardian,

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or owns the -- or owns the motor vehicle that -- that is transporting that child. It specifies that a child under four must be -- be in a child resistant seat. We have -- it is -- we all know that seat belts prevent injuries, and children are prone to serious injuries, no matter what. In this Body and the -- Body across the hall, we pass many bills protecting children. Whether it's a child -- child abuse or having that they -- all children must be immunized against -- for measles. I would ask for a favorable roll call and ask for -- I would be happy to answer any questions.

PRESIDENT ROCK:

Discussion? Senator Watson.

SENATOR WATSON:

Yes. I'd like to answer - or ask the sponsor a question, please.

PRESIDENT ROCK:

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. You mentioned seat belts, Senator Daley, our analysis said this is a restraint system. What is the difference between a seat belt and a restraint system?

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Senator, it is a child-resistant seat. I -- I stand corrected. I -- it is a child resistant seat, and what it is, as you know, it's a seat for a child under the age of four.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Okay. Thank you, for correcting that, Senator Daley. 'Cause I -- I remember in committee we discussed this, and there we some

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concerns and we even talked about, hopefully, amending this to correct some of the concerns that we had in the Transportation Committee. But what this means, I believe, is that if my son Chad here, seventeen years old, goes up -- goes over and picks up his first cousin who's under four and he doesn't have a child restraint seat in his car, he is now in violation of what?

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

He -- it would -- he would be charged with a -- a violation of a petty offense of -- of a fine of not more than -- than twenty-five dollars, waived upon proof of possession of an improved child resistant system.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Okay. Obviously this would affect all family members, then - grandparents. If I -- if my wife's babysitting for someone else, and she picks up a two-year-old child and - babysitting for him - and she's got to have a child restraint seat in her car, and we don't have one - I don't know how we're going to get one, whatever. There's a lot of problems with this Senator Daley, and I appreciate what you're trying to do. You're trying to protect those kids under four years of age from serious injuries, involved in a car accident, but I just think we've got some problems in compliance. And I think we're going to make criminals out of people that really shouldn't be charged with any sort of a violation. So I urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

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Would the -- would the sponsor yield?

PRESIDENT ROCK:

Indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, I have four grandchildren under the age of four. So if my wife and I are going to take those in my car, do I have to have four seats to -- to hold each one of these kids as a restraint?

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Yes, Senator. All four would need a seat.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Senator, and I also understand what you're trying to do here, but as a grandparent, and loving my grandchildren, I still feel that what you're doing is restricting my movements with my grandkids on that -- on this issue.

PRESIDENT ROCK:

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Just to rise in strong support of House Bill 638. To answer Senator Watson and Senator Jacobs. If, in fact, we are in the process of babysitting or caring for somebody else's child, I would think we would want to exude as -- most of the responsibility that we can, that's why the parents have left that individual child in our custody for the day - to be responsible. We have passed legislation to mandate that child restraining seats -- children are supposed to be in them in transportation - grandparents, babysitters - any time a child is transported. If you believe in that, as this Senate has done, time

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and time again, we should support House Bill 6-3-8. We have assumed that responsibility. We need to make sure that that child is protected in the automobile. Green lights should be on House Bill 6-3-8.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President and Members of the Senate. I, too, rise in support of this proposed legislation, and let's not lose our common sense here. I mean, this is a message that we want to send out. The enforcement aspect of this - you and I know what will happen out there. The persons charged with the responsibility of enforcing this will try to get across the message that this is something that should be done. People are not going to be cited for being in violation of this. People are going to be told what the law is, and to try to move toward complying with it. So I urge the Chamber to support this.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As a grandparent, I can tell you my children do have these car seats. I happen to have six grandchildren. You can't put four car seats in a -- in a car with children. They have to be restrained by those seat belts. The car seats are such that the -- that the seat belts are the things that hold them in place. You got four grandchildren, you're going to have to leave one at home. My suggestion is this is a good intention bill. I supported the original legislation, but I think we're just going too far.

PRESIDENT ROCK:

All right. Further discussion? If not -- Ladies and Gentlemen, WCAI-TV <sic> also has requested permission - Channel 3

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requested leave to videotape. Without objection, leave is granted. No further discussion? Senator Daley may close.

SENATOR DALEY:

Yes. Mr. President. I -- all children deserve the right to be protected from the known risk of serious injuries and death, regardless of who is transporting that individual. I believe this is a message that we must tell that person who is driving the car, that those children must be in a child resistant seat, because if they are in an accident, time and time again - all you have to do is go to Children's Memorial -- Memorial Hospital and see these children who are in the post-traumatic unit, and who have head injuries. And I would ask for a favorable role call.

PRESIDENT ROCK:

Question is, shall House Bill 638 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 voting Aye, 30 voting Nay, 3 voting Present. House Bill 638, having failed to receive the required constitutional majority, is declared lost. 643. Senator Barkhausen. On the Order of House Bills 3rd Reading is House Bill 643. Read the bill.

SECRETARY HAWKER:

House Bill 643.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 643 does two things. It embodies the recommendations of the Illinois Supreme Court, and its special appointed committee, with regard to providing representation for defendants in capital cases in post-conviction

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proceedings. Secondly, through an amendment added onto the bill, it seeks to make constitutional, the law that we passed a couple of years ago, authorizing the use of videotape testimony of child victims of child abuse and sex related offenses. I ask for your support.

PRESIDENT ROCK:

Discussion? If not, the question is, shall House Bill 643 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, none voting Present. House Bill 643, having received the required constitutional majority, is declared passed. 656. Senator Barkhausen. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 656.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, all this bill does, as amended, is to allow a juvenile court to order a parent, or a guardian, or a custodian, of a minor to pay some, or all, of the restitution for damages caused by a minor or, for restitution ordered by the court, pursuant to the limits authorized under the Parental Responsibility Law. And I ask, again, for you support.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall House Bill 656 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 57 Ayes, no Nays, none voting Present. House Bill 656,

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having received the required constitutional majority, is declared passed. 713. Senator Newhouse. 714. Senator Fawell. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 714.

(Secretary reads title of bill)

3rd Reading of the bill. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This does a number of things. First of all, it allows the forest preserve police to be in charge of the forest preserve completely, whether it is inside or outside a municipality. If the forest preserve police go outside of the forest preserve, they are, then, under the supervision of the municipal police, while working with the -- in the territory of the municipality. It also allows the property tax that is owned -- property that is owned by a charitable non-for-profit organization, that uses the property exclusively for vocational and technical education to be exempt. And last, it allows a forest preserve not to be taxed, even if it is -- has a landfill, and I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I guess only one part of the bill that I would have a question on and that was the amendment, as it was placed on yesterday, that there would be an exemption from taxes for a not-for-profit organization. Do you have any idea what kind of organization we're talking about here? What kind of a school you're substituting for this school property?

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Senator Fawell.

SENATOR FAWELL:

Yes. This is -- an amendment that was given to me by a former Speaker of the House on the other side, who is a lobbyist, who shall remain nameless, and it is for a Winona School of Photography located in Mt. Prospect.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Former discussion? Senator Holmberg.

SENATOR HOLMBERG:

So, basically, what you're doing is putting a vocational school on a school site, and asking for the same kind of federal income tax exemption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

I was assured by -- by this gentleman that this is a charitable non-for-profit organization. It is designated as such by the IRS. It is a non-for-profit organization.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Former discussion? Further discussion? If not, the question is, shall House Bill 7-1-4 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 2 voting Present. House Bill 714, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 7-2-5, Madam Secretary.

SECRETARY HAWKER:

House Bill 7-2-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 725 was amended to provide, prospectively, a pay increase for the members of the Metropolitan Sanitary District of greater Chicago, now known as the Chicago -- Water Reclamation or the Chicago Metropolitan Water Reclamation District. As you know, these are staggered terms, and so these would be contingent upon popular election in November 1990. And the pay raises would take effect in 1991. It would increase the members' salaries some four thousand dollars, from thirty-six thousand to forty and, as we have in the past, it would create a differential for the president, the vice president and the finance chairman and their salary would go up; the president from forty-three five to fifty, the vice president from forty-one to forty-five and the finance chairman gets a four thousand dollar increase. I know of no opposition and it is prospective. It does not take effect till 1991. And I would solicit a favorable role call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 725 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 24, none voting Present. House Bill 725, having received the required constitutional majority, is declared passed. On the Order of House Bills 3rd is House Bill -- Senator Dunn, for what purpose do you arise? Tom -- Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I'd like to, for the record, say that I voted a red switch instead of a green switch on 643 awhile ago. I intended to vote Yes and voted No. I was the only No vote.

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I thought I better straighten that out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The record will so reflect, and WBBM-TV has requested leave to tape. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading is House Bill 729, Madam Secretary.

SECRETARY HAWKER:

House Bill 729.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. This -- House Bill 729 was originally on the Agreed Bill List, and was removed for an amendment which failed. The bill merely extends the agreements or the time that -- agreements can exist between public building commissions and counties for leases, from twenty years to thirty years, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 729 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 729, having received the required constitutional majority, is declared passed. House Bills 3rd Reading, Senate <sic> Bill 737, Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 737.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 737 does several things. In the case of an adoption of a child, the report resulting from the investigation shall be filed with the record of the -- of the proceeding and the -- and the report shall be impounded, and only available for inspection upon order of the court. It also clarifies that the court shall allow a continuance in parentage cases where issues are raised beyond the scope of representation by a state's attorney or public defender, only after the court finds that the matter so raised is properly before the court. And it requires the court to provide a continuance sufficient for parties to obtain a representation for certain circumstances. I know of absolutely no opposition to this and I urge your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 737 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 737, having received the required constitutional majority, is declared passed. House Bills 745. Senator Smith. Senator Smith on the Floor? 749. Senator Barkhausen. On the Order of House Bills 3rd Reading, bottom of Page 7, House Bill 749, Madam Secretary.

SECRETARY HAWKER:

House Bill 749.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 749 is a straightforward proposal, passed nearly unanimously in the House, to amend the Juvenile Court Act and the Code of Corrections, authorizing a court, as a condition of probation or conditional discharge, to restrict the driving privileges of a minor adjudicated delinquent on any alcohol, cannabis or controlled substance violation, and requiring them to refrain from acquiring a drivers license during the period of probation or conditional discharge. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? Question is, shall House Bill -- beg your pardon. Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator -- Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in addition to the conditional discharge and probation, many of these offenses result in a -- in a sentence of supervision. Would the same condition apply for supervisions as for conditional discharge or probation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Hawkinson, not -- frankly, not having the bill in front of me, and relying only on the analysis, I can't honestly answer that question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 749

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pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. House Bill 749, having received the required constitutional majority, is declared passed. Turn the page. Page 8. Top of Page 8, House Bills 3rd Reading is House Bill 7-6-0. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 760.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, thank you, Mr. President, Mr. President. House Bill 760, 760 is a repeater, repeater exposure bill. It excludes radio repeaters from taxations under the Telecommunications Act. It also has an amendment on it that's agreed upon between the Department of Revenue and the telecommunications people, on how to charge off bad debts from the excise tax. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Would you define what you mean by radio repeater system?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

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SENATOR DeANGELIS:

Yes, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator DeAngelis.

SENATOR DeANGELIS:

A repeater is a system that farmers and other people use, who have FM system phones, to enhance the signal of their phone.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would you please repeat what you just said?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? It's going to be a long day. Senator Netsch.

SENATOR NETSCH:

We went through this for an hour with Senator DeAngelis - this repeat, repeat, repeat, repeat, in committee. This doesn't seem to have an enormous impact, the repeater part of the bill, as far as we can tell. I must admit that most of us, including at times, I suspect Senator DeAngelis, weren't quite sure exactly what we were aiming at, in terms of this exemption. But according to the Department of Revenue and others, it is not going to have a major impact. I think it is no great difficulty, and I have no objection to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 760 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 760, having received the required constitutional majority, is declared passed. House Bill 776. Mr. Secretary,

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read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 776.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, the bill does three things. The first two of them relating to the Business Corporation Act. The original bill passed unanimously in the House. It's a supreme court recommendation that seeks to make consistent two seemingly inconsistent provisions of the BCA relating to the manner in which corporations are dissolved, and the type of notice that has to be given in such cases, and who is responsible for giving it. The second part of the bill comes from the Illinois State Bar Association and Chicago Bar Association Corporate Law Committees relating to revisions of the Illinois Close Corporation Act. And the third part of the bill amends the Motor Vehicle Franchise Act, to include within it service centers under the provisions of that Act, which are designed to give protection for -- to existing motor vehicle franchise dealers - where a manufacturer seeks to open up a franchise within an existing territory of a particular franchise dealer. That third part of that bill, Mr. President, was, of course, the amendment sponsored by you and I. And I ask for your support of the bill and would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Sponsor will -- indicates he will yield. Senator Fawell.

SENATOR FAWELL:

I was contacted by some of my car dealers and -- and I -- I think this is the bill. Are you, in effect, saying that -- that there can be franchises opened, which will, in effect take business away from these car dealers on their repairs?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Fawell, the -- the third part of the bill, which is what you're addressing, is -- is designed to satisfy the concerns of the car dealers. Apparently, within the last six weeks, we're told, a number of these new franchises have been opening up, which are doing precisely what you're talking about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 7-7-6 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 776, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 7-7-9, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 779.

(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 7-7-9 would increase the penalty for reckless homicide, while

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driving under the influence of alcohol, from a Class 3 felony, to a Class 2 felony -- to a Class 2 felony. Also, it would -- it adds that residential burglary is an offense, which when occurring with the offense of murder, can and I stress can, elicit the death penalty. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Smith. Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman. I merely want to ask if the -- to have leave to quote me as voting Yes on House Bill 725.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The record will so reflect.

SENATOR SMITH:

I was voted wrong. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will so reflect. Is -- any further discussion? Question is, shall House Bill 7-7-9 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 2, none voting Present. House Bill 7-7-9, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 7-8-8, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 788.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and Members of the Senate.

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House Bill 788, as amended, creates the Illinois Affordable Housing Act, as well as the rewrite of the -- the Real Estate Licensure Act. It is a -- I'll start -- I'll start with some of the amendments that what the Affordable Housing does. And as well as the Real Estate Licensure...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, excuse me, Senator Jones. Ladies and Gentlemen, if the staff will take their conferences off the Floor. A number of Members cannot hear. This is the last day, we're trying to proceed as rapidly as possible, at the same time attempting to do our job. Senator Jones.

SENATOR JONES:

Okay. Let's start with some of what -- some of the amendments did to the Act as relate to the Licensure Act as well as the Affordable Housing Act. It remove the requirement that one must be a licensed broke to do appraisals. It clarifies the discrimination while engaged in any activity for which a license is required to constitute a violation, and it removes DCCA as the administering agency and places IHDA -- IHDA, which shall be the administer of the Affordable Housing Program under the Department of Revenue shall be the funding agent. It -- it provides for housing for senior citizens, veterans and in rural -- areas. It requires IHDA to develop a plan to use TIF to increase the availability and affordability of housing. And it takes the appraisers out altogether. I know the Department of Professional Regulation has some concerns as relate to the voluntary certification of appraisers, but we will deal with this in future legislation. If there's any questions, I'd be more than glad to answer them on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Weaver.

SENATOR WEAVER:

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Well, thank you, Mr. President. Senator Jones, have we not already passed a bill that rewrote the Realtors Licensing Act?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

No, we have not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

This is also doubling the Transfer Tax from twenty-five cents per hundred to fifty cents per hundred, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

You are correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

And in this bill the General Revenue Fund is going to lose thirteen million dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, over a two-year period, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Well, Mr. President and Members of the Senate, there's so many amendments on here that are picking up different areas, I'm not sure that we -- we really want to do this in this bill. I'm a little bit confused about some of the amendments and -- and the impact of the bill. There's some good things in the bill and

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there's some bad things in the bill in my judgment, so I'm just not sure we want to pass this bill in this form.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Jones, the affordable housing bill that we passed out of here a few weeks ago, the Senate bill, included -- senior citizens housing and rural, and it included a whole lot more than this Senate bill -- I mean House Bill -- 788 did as it came over. Could you be just a -- really specific and tell us exactly what -- about the affordable housing part of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, the bill that passed the Senate has been amended in the House as identical to this bill. And some of those provisions that was in the bill that Senator Luft sponsored are in this bill, such as the housing project for seniors, veterans and for rural areas. So many of those provisions are in this piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Karpziel.

SENATOR KARPIEL:

Could you also tell me what the difference is in this bill on the Open Space money? Than -- than in the Senate bill that went out of here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, as amended in the House, it's a five-year phase-in of -- of the funds for the Open Space, but this piece of legislation has

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a two-year phase-in -- the amendment offered by -- which was adopted by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Is the -- is the money that they're going to be getting for the OSLAD programs the same only a different phase-in period?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, your are correct, that the amount is the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

One last question, Senator Jones, and frankly, it's a problem that I had with this bill, and now I understand it's the same with the Senate bill, but why is the Realtors Licensure bill on -- on this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, the Realtors who -- who are organized as an association, came to me and indicated that this is the way that they wanted it to be. And this is the way that they support this bill very enthusiastically, so it's their organization, it's their profession, and I'm just a vehicle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Senator Jones. Every single Realtor group that came to visit me on the day when they were all down here, were absolutely appalled that their licensure bill had been

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somehow or other -- their State lobbyist had been coerced into supporting having their licensure bill on this bill. I have no problem with the Affordable Housing bill; I voted for the Senate bill that went out of here. I have no problem with the OSLAD money, many of my park districts are for it. But I really have a problem with the beginning -- you know, to start having our licensure bills that are licensing different groups in this State, being put on bills like this as a coercion for people to vote for the bill. And as a real estate associate myself, I really, truly resent that, and I may be the only No vote in here, but I'm voting No because I don't think we should start doing that. We're going to start passing a lot of legislation around here based on coercing some group to -- to support a bill which they never supported in the past, in order to get their licenses. All those real estate associates that came to visit me were not only appalled, they were scared. They were saying that if we don't support this, what are we going to do, we won't have licenses. Well, I'd like to see this bill and the other bill, if it's got this amendment on it, defeated. And let this General Assembly let every single real estate associate and broker in this State be nonlicensed. And then let's see what we're going to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? For those of you that are counting, this is our twentieth bill this morning. We started with a hundred and twenty-one, by my calculations we have a hundred and one to go. It is ten-thirty, our deadline is midnight, unless we extend it till next week, I don't know. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Wondering if the sponsor would yield to a question and then...then a comment. Earlier this year, my -- I had an opportunity to speak at a meeting of the circuit -- pardon me, the

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Recorder of Deeds Statewide Association Conference. The Recorders in the big counties and the County Clerks in the small counties affix the stamps on titles from property and Real Estate Transfer Taxes collected by those offices. They expressed the concern to me, that in increasing this tax, that it had to be done in a certain incremental way or that the current machinery that they had -- the actual machines that print the stamps, would not work, which would require, apparently in my major county, an expenditure of some thirty to sixty thousand dollars to buy new equipment, which at this point was not even on the market, although obviously if you're willing to pay enough money, somebody will build something for you. I'm wondering, does this increase fall within the operating purviews of the existing equipment that the clerks' offices have throughout the -- Recorder of Deeds and County Clerks' offices have throughout the states, or is this going to be a rather major expense, particularly on some of the small downstate counties to retool?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, for the Department of Revenue, which will be the administering agent for the funds, that we give them four percent, so perhaps that four percent could offset the cost that you are talking about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

I'm sure Director Sweet will appreciate the money. I'm talking about my Recorder of Deeds Offices at the local level that actually collect the Real Estate Transfer Tax. You know, they, you know, if the machinery will handle it, it's just an accounting thing for them. But, apparently the machinery that was designed a

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long time ago was not ever envisioned to have some of these figures. And if we get above or to a certain type of figure, I don't recall the exact concern they had. Has anybody bothered to ask the Recorder of Deeds and the County Clerks whether this -- new -- tax rate is going to completely devastate their operations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

, Well, in response, Senator Schaffer, to that dilatory question, you know this legislation has been around for quite some time, and the Recorder of Deeds in Cook County hasn't talked to me about it. And -- no one downstate has talked to me about it, and you'd -- you're bringing this question up and I wish you had brought it up quite some time ago if that concern was really there, and perhaps we could have posed that question to them. But with the modern technology and computers that we have today, I'm quite certain that it should be a -- a person with a degree in computer science could come in and figure it out for the Department of Revenue, and show -- and show your recorder how they can save money even in this current operation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, obviously the answer to my question is known; nobody has bothered to talk to the local officials that are going to be collecting it. And, frankly, I don't know what the implications are I -- in candor, if I were sponsoring the bill, I probably would have asked them. I -- since I'm not sponsoring it, I'm just relating concerns of one local official. I thought I at least ought to do that. But, speaking to the bill, -- even with its technical -- potential technical problem, there's a concept here that I am personally very uncomfortable with, and that concept is

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that when one wants to pass a bill that might not, on its own merits, get support, one slaps it on a bill that absolutely has to pass, like the licensure bill for the real estate agents. Now I happen to have an opportunity to speak to the Realtors Conference here a few months ago, and they were incensed about this. Oh, they were intimidated, also, but they were also incensed. And this is no way to run a railroad. And I would suggest to those of you even that may like this concept, that this is just the first time. The next concept may be something you don't like. Licensure bills should not be used as vehicles for other concepts. We, in the course of our conduct here, are going to be passing licensure bills every year we're down here. And if one side or the other, or one coalition or another, decides that they can slap something that wouldn't normally pass, on a licensure bill that we have to pass, we're going to find ourselves having to swallow hard for the rest of our lives down here. We ought to put this on a separate bill. It is on a separate bill as the sponsor said, and the licensure bill is on a separate bill. There is no reason to pass this bill unless you want to continue and make a tradition in the Illinois General Assembly of blackmail.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? We still have a number of speakers. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. There is one other problem with this bill ...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, excuse me. The Chicago Tribune has requested leave to photograph. Is leave granted?

SENATOR SCHUNEMAN:

That'd be fine Mr. President. Thank you very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Leave is granted. Senator Schuneman.

SENATOR SCHUNEMAN:

Could I ask for copies, Mr. President? This bill has a lot of problems, and one that perhaps is more minor than some of the others is the fact that it -- it has taken out of the bill the licensure for real estate appraisers. But it leaves intact the requirement on the Department of Professional Regulation to continue to operate their real estate appraisers board and all the mechanism that has to do with real estate appraisers in the Department. I think that's a serious flaw in the bill which should be -- should be corrected, and probably comes about because this bill tries to do too much. And I just want to briefly echo what the other speakers have said, that we should not begin the practice of allowing licensed groups who come here to ask for the renewal of their license -- we should not allow them to be intimidated by accepting into their license bill other matters which perhaps on their own would not pass. And it's on that basis alone that I'm going to be voting against this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I rise in strong support of this bill. And to those of you on the other side of the aisle who is suggesting that there was some intimidation and that this is somehow setting some kind of precedent in this Chamber, I don't know whether or not there were intimidation or not, but I can say this. Even if it was, this most certainly -- this bill would not set a precedent, because it has happened before. It will not set a precedent also about a number of issues being put together for the purpose of getting a bill passed because the issues standing alone on their merits would not pass this Chamber. So we do that all the time. I don't

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think it's strange that we're doing this, but it's my understanding that the Realtors and those persons who came together to put together this package over the years -- I think I first introduced affordable housing in this Chamber about seven years ago. It ended up into a study committee where IHDA came back and said that they didn't think it was even feasible to establish a trust fund. Today we've made a lot of progress -- we've got a lot a more people involved. I think the Realtors and others joined and signed off on this bill 'cause they think it makes good sense. That the State of Illinois has a responsibility to provide for housing for the thousands and thousands of people out there who are homeless and the thousands and thousands of people on low-income and fixed-income that have no other means for affordable housings unless we take some action. This bill makes good sense, it's responsible government and I'd just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. One brief comment. I strongly support the affordable housing component, obviously. And, I would like to remind some of the doubters on the other side of one thing, that the content of that part of the bill was not only put together by a broad coalition of people, but had very, very substantial and widespread support in the business community, particularly in Chicago, last year, and that support continues. There is a major component of the business community of this State that recognizes that affordable housing is as critical to economic development as many other components. This is a -- that program, and it must be in place so that we can address that problem. I think the business community understands that; hopefully, we understand that also.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WFLD-TV, Channel 32 in Chicago has also requested videotape. Is leave granted? Hearing no objections, leave is granted. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I rise if only to demonstrate -- maybe somewhat reluctantly, because I don't like to be a dissenter on my side of the aisle but -- if only to show that this -- that this bill and this concept does have at least some support over here. This is certainly not the first time that there has been a compromise where -- wherein two or more different issues and different interests have been melded together into one legislative package. I happen to think that it makes some sense -- real estate licensing does, after all, relate to real estate, which relates to housing -- and real estate also relates to open space. So I think it's really a fairly logical and clever combination of interests that have come together here. For those of us that have been interested for -- for some time in the open space issue, I think it was pointed out earlier, but I just wanted to -- to emphasize that within two years, actually within a little more than a year, there will be as much money in this -- in this bill, in this program for open space, and as -- as to that program, Mr. President and Members, this is not a new money or a new program like a lot of programs that have faced some cuts, most of them, in my opinion, justified at the federal level. This actually represents a restoration of money that came to Illinois and to other states under what was known as the LAWCON Program, the Land and Water Conservation Program, which, at its peak, provided to Illinois just about the amount of money that this program will provide once it's up and running. So this is really not a startling new program, and for those on my side of the aisle that are reluctant to see the State get into the housing business, I

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think we do have to acknowledge, not only as Senator Netsch pointed out, that there are some civic leaders and Republican types that are encouraging us to do this, but that Illinois is -- is perhaps the only major state that is not in some way trying to help out in this area and it's, again, not a significant amount of money even where housing is concerned, and that money for housing, the proponents point out, is going to be leveraged, as they say, to raise an even more significant amount of private sector money, which should have a real impact, we hope, in this area. So I ask particularly for some support on my side of the aisle.

PRESIDENT ROCK:

Further discussion? Senator Jones may close.

SENATOR JONES:

Yeah, Thank you, Mr. President and Members of the Senate. In response to a few of the remarks that were made as relate to these issues being tied together, let me say this to you. I worked with the Realtors on this issue since last fall. Senate Bill 11 was the bill they introduced -- I introduced as a shell bill for the rewrite. And, working with the Realtors for the past six or seven months on this issue, not one time have they come to me and said that I had coerced them, and you in this Senate know I would never coerce anyone. I'm a nice amenable fellow. But as it relate to the voluntary -- certification of the appraisers for the appraisers in Illinois, I talked with the Department of Professional Regulations and their representatives, and they inform me that it's nice that we go ahead and move on with the voluntary certification of appraisers so that we can get the Illinois appraisers on-line to meet that federal 1991 deadline. However, we will deal with this issue in the future when we have time to take care of it. But affordable housing is good for this State, it's good for the people, and we should receive a unanimous affirmative vote on House Bill 788.

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PRESIDENT ROCK:

The question is, shall House Bill 788 pass. Those in favor, vote Aye, opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 27 Ayes, 26 Nays, 5 voting Present. House Bill 788, having failed to receive the required constitutional majority -- the sponsor has requested that further consideration be postponed. So ordered. 789. Senator Welch. On the Order of House Bills 3rd Reading is House Bill 789. Read the bill.

SECRETARY HAWKER:

House Bill 789.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill will do is require the -- the Department of Energy and Natural Resources to prepare a study over a period of four years. The reason for the study is that Lake Calumet is one of the most polluted lakes in the State, and yet, the site has not put in -- been put on the federal -- Superfund site because of questions as to whether groundwater contamination actually affects drinking water. Many of us feel that this site, while it's located in a populous area, should be on the Superfund site. The rules setting forth what sites are on the Superfund list, do not have that as one of the criteria. So I would urge passage of this bill, and be glad to answer any questions.

PRESIDENT ROCK:

Discussion? If not, the question is, shall House Bill 789

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pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 5 Nays, none voting Present. House Bill 789, having received the required constitutional majority, is declared passed. 829. 862. 887. Senator Dunn. On the Order of House Bills 3rd Reading is House Bill 887.

SECRETARY HAWKER:

House Bill 887.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This is the bill that we amended yesterday at the request of DCCA and DOR and that amendment addresses the impact business credit. The other portion of the bill allows the Village of Romeoville to become part of my enterprise zone. I urge a favorable adoption.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall House Bill 887 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 887, having received the required constitutional majority, is declared passed. 892. Senator Jacobs. On the Order of House Bills 3rd Reading is House Bill 892. Read the bill.

SECRETARY HAWKER:

House Bill 892.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill basically allows the municipalities that have been doing some things wrongly to now do it legally, and also validates the City of Robbins' tax levy, and I don't know of any opposition to this. I would ask for your support.

PRESIDENT ROCK:

Discussion? Is there discussion? If not, the question is, shall House Bill 892 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 4 Nays, none voting Present. House Bill 892, having received the required constitutional majority, is declared passed. 977. Senator Welch. On the Order of House Bills 3rd Reading is House Bill 977. Read the bill.

SECRETARY HAWKER:

House Bill 977.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill started out to do was to give preference in awarding State contracts to bidders who will use products made of recycled materials costing no more than ten percent of products made of recycled materials -- not made of recycled materials. Excuse me. Similar to a bill in Florida. The bill was amended on the Floor to expand bid-rigging and bid-rotating prohibitions to persons convicted of that charge in other states. It's identical to House Bill 648 that came over

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here from the House, which deleted these provisions. I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall House Bill 977 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 977, having received the required constitutional majority, is declared passed. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Yeah. Thank you, Mr. President. I'd like the -- the record to reflect that had I been at my seat on House Bill 789, which I am the joint sponsor on that, I would have been voting Yes.

PRESIDENT ROCK:

The record will so reflect. 1072. Senator Netsch. 1085's on the Recall List. 1191. Senator Lechowicz. On the Order of House Bills 3rd Reading, bottom of Page 8, is House Bill 1191. Read the bill, please.

END OF TAPE

TAPE 2

SECRETARY HAWKER:

House Bill 1191.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

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Thank you, Mr. President. Ladies and Gentlemen of the Senate, I know there was an awful lot of controversy and concern about 1191, but let me just tell you what the intent of 1191 and 92 are. In discussion with the Governor's Office, the County Board, and the University of Illinois, and other health facility hospitals, the intent of this legislation is to pass this to the House, have the House ask for a conference committee on both of these bills. Negotiations are in process between the Governor's Office and County Board and the University of Illinois, and that was...that's the intent of this sponsor. I spoke with Representative Keane this morning. He assured me that both bills would be in a conference committee. We're waiting further action by the County Board and the Governor's Office. I will be more than happy to answer any questions, but that's the intent of the sponsor here, and also in the House.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I try not to speak on too many bills around here, in terms of what is right and just and proper. Sometimes, even though we do promise a conference committee, and I do appreciate the good intent of the very fine sponsor here and others who would be supportive of his position. But, unfortunately, these bills have gone through too many versions of what...what are like conference committees. They've gone through too many meetings where there's been no public input. They have been poorly planned from the beginning. They've been poorly crafted. These bills have been poorly publicized. Poorly communicated. They have just been left out there and just moved along through the system, on the basis that the next step of government, the next committee, the next Chamber, the next something else, is going to be adding something

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to it and making it work. These have never been plans in terms of what is going to happen here, in terms of an affiliation between the University of Illinois, Michael Reese and Cook County Hospital. We have never really seen agreements except after the...the fact. We have never really been given documentation except those of a conflicting nature. The confusion on this issue, an issue that involves irrevocable actions on the part of this General Assembly, the Cook County Board, the Chicago...the Chicago City Council, and everybody involved. Irrevocable, in that we're talking about the potential here, the fate of the Westside Medical Center, the University of Illinois Medical School, the health care of hundreds of thousands of people on the west side of Chicago and the west suburban area of Cook County. We're talking about all sorts of precedents that have never been established before. We're talking about an affiliation that is the largest in the world that has ever been broached or considered. And all of this has been done in the dark, with very little public comment. When we have generated whatever public comment has been possible, the public has said, "Don't do this to us. Don't walk so quickly. Walk with caution." Sometimes, I think, you know, it just becomes correct that we do something right around here instead of advancing things in haste, because the big guys in whatever administration we're talking about, being the State of Illinois, or the Cook County Board, or the University of Illinois, want it. Somewhere along the line, we have to take into consideration what is the public's good and the people we represent. And I would submit, have we become so insensitive, and so arrogant, as to override what have been the wishes of so many community groups now on the west side of Chicago? Health care groups. Hospitals that aren't affiliated with this. Faculty members. Doctors. Health care specialists, and people who have a scientific technological...technical and public interest in all of

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this. Have we grown so arrogant as to disregard all these warning signs? And now we would once again advance these bills to a conference committee which, unfortunately, is something that is done by a handful of people. I would submit that the easiest thing that we can do, and the best we can do, and the right thing that we can do at this point, is let these very bad bills die. There is a time for bills to die. Why don't we go back to square one and start over and handle this in an organized fashion, so that we indeed can provide health care...delivery for the west side of Chicago? These are not potholes we're talking about now, folks, these are people's lives. And I really would encourage all of you who have any feeling for this issue at all, to vote No on these next two bills.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J.J. JOYCE:

Well, thank you, Mr. President. Just a question or two to the sponsor. How much money are we talking...dealing with this?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Basically, the money issue is being addressed presently between the County Board, the Governor's Office and the University of Illinois. And I will tell you what my understanding is...question is, as far as the University of Illinois Building, bringing it up to code. Unfortunately, the building has not...is not under code, and the question is, whether...who's going to pick up that cost, whether it's going to be the county, or the State. The approximate cost of bringing the building up to code is 20 million dollars. The other area as far as...was the reimbursement on ICARE, which affects not only County Hospital, but affects every hospital in the State. And there is

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negotiations, as far as...presently there is reimbursed approximately five hundred. We're talking about raising it Statewide, to around the eight-hundred level. I think it will be good for everybody if ICARE would have been addressed as it is now, under a negotiated item, and the Governor's Office is trying to work out...making sure that all the hospitals in this State are reimbursed properly. Those are the cost figures presently. Senator Joyce, as you and I know it, that's what's going to be proposed before the County Board on Tuesday. Hopefully, that will be adopted, and if that's the case, we will have this matter back, no matter what. On the assurance of Senator Keane and myself, that this will be going to a conference committee, with the leadership of both sides of the aisle in full cognizance of the fact, including the the Governor's Office.

PRESIDENT ROCK:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I rise in support of sending these bills back to the House, and to a conference committee. We could probably debate the issues of these bills for hours and hours this afternoon, but I would suggest that we hold our rhetoric until we have a conference committee, we know what the solutions are, and there must be some solutions for everyone's benefit. So I would hope that we would hold our rhetoric down at this point and wait for a conference committee and debate the issue at that time.

PRESIDENT ROCK:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, Ladies and Gentlemen of the Senate, Senator Lechowicz has indicated to me, and he has indicated that the House sponsor, Representative Keane, will send this bill to a conference committee. There are negotiations going

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on at the present time. We don't want to stifle those negotiations. We want to come to some reasonable conclusion concerning this very serious problem. In order to do that, the best approach, it would seem to me at this time, would be to send this to a conference committee. The County Board will make a decision on Tuesday concerning this very important issue. We need to know what that decision is before we can determine what we are going to do in this Body. In order to allow that to happen, let's send this bill out of here. I just want to indicate one thing, though, about some of the remarks about code violations at the University of Illinois. There are much more serious code violations at Cook County Hospital than there are at the University of Illinois. But that's not what we need to know at this point. Let's send this out of here and continue negotiations and resolve the problem.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDENT ROCK:

Sponsor indicates he will yield.

SENATOR DUDYCYZ:

Senator Lechowicz, I realize that the costs are unknown at this time, but do you have any indication whatsoever what impact, if any, will this legislation, as it stands, have on the property taxpayers of Cook County?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

I really can't answer that question at the present time, because we don't have the final proposal before us. But I'll be

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more than happy to address that issue if it comes back in a conference committee, and explain exactly what...who...what it's costing, and who's paying for it.

PRESIDENT ROCK:

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

This proposal has been a mess since day one. Continues to be a mess. We have an impact study that was done by the Department of Public Health, and was done only after Senator Smith's committee requested the study. The study identified some serious problems. The infant mortality rate has increased as a result of this mess. Many folks don't want this merger. I think what we ought to be doing is we ought to be going back to the drawing table to develop a comprehensive plan that truly addresses the health care crisis for the indigent in the State of Illinois. We must stop our piecemeal effort and our Band-Aid approach, and we shouldn't vote to let a messy deal become law. So, I would hope that we would deal with these bills as they are. I don't know what going to happen in conference committee. I don't think that when it's all over we're going to be able to say that the U of I Hospital is going to continue to operate, to service the indigent that it's servicing now. So I would hope that we would be able to kill both of these bills.

PRESIDENT ROCK:

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate, and to my colleague, Senator Lechowicz. I have very mixed emotions, and I want to ask a question, but I want to make this statement. There are a lot of people's lives are hanging on the balance, the decision of what this august Body does in regard to this legislation. There are people who cannot help themselves,

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who are dependent upon the University of Illinois Hospital for their survival. There are people who are working in that hospital as lay people who are being turned off, because the facilities are not operative any longer. There are doctors there. Professors who have for 10, these many years, given not their bit, but their very best, to serve that hospital and the people of the State of Illinois. We are elected officials, and when we take the oath, we say that we're going to protect the State's properties, anything that belongs to the State, and our interest is in...lies within the people. If there has been a shortage in that hospital as far as their monies are concerned, this legislative Body could divide the money for them to have what they want as a first-class hospital and maintain the record that they have had 10, these many years. We do not have to sell that hospital out or sell it short, because we are State officials, and we have it within our purview to do what we want to do to make it an A-1 hospital and continue. But the heads of that hospital saw fit to do other things, and I am sorry to say that I had high regard for the leadership of the University of Illinois Hospital and its schools. But since this association with them, I have found that that person cannot be trusted, and he is not true to his word. He has lied to us on numerous occasions, and it is not right, and it is not fair. Then in their documents and their ruling, they said that they would not have any affiliations with Michael Reese...Michael Reese Hospital until they had made restitution with Cook County Hospital. They have already moved many of their facilities, and their departments already over at Michael Reese. People are working from Illinois Hospital over at Michael Reese. They have already started operation over there. People who...are...are...need a heart transplanted, liver transplant, they can go over to Michael Reese and get the service, but if they have to have a follow-up, they have to go back to County Hospital or someplace else, and that

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person's life is in jeopardy. Now, they were supposed to clear with Cook County Hospital. They have not. Cook County Hospital has found themselves in a dilemma with the federal government. And yet the services for the indigent people there are being jeopardized because of our foolishness. Now I don't see why we have to have so much controversy about the work of the University...Hospital. I know that Cook County Hospital wants it. And I...I go along with them. But the way that they're going at this, at the risk of our people in the State of Illinois and those who are in need of services, I think it is all wrong. The people who live in that area, they need that service. And we are just trying to mess it up. The sponsor of this bill is saying that there's going to be a conference committee. Can you guarantee me that? Can you guarantee me that?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Senator Smith, you have my word. I spoke with Senator Keane...Representative Keane this morning, and rest assured, as the chairman of that committee, you'll be appointed to that conference committee as Judy Baar Topinka, the spokesman, would be. And, yes, you have my word on that.

PRESIDENT ROCK:

Senator Smith. Might I ask you, Ladies and Gentlemen, I hate to invoke the debate light, but please, I would hope that you would be conscious of the fact that others have bills they also wish to present.

SENATOR SMITH:

I understand you, Sir. But this is a very serious situation, and many lives depend upon this affiliation. It's not...it doesn't seem to be fighting for the services to help people. It's a power play. It's who's going to have the most money, who's

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going to get this, who's going to be the biggest man. And that is not right, when you are talking about health care, when people are dying, hospitals are closing, and we do not have anything to render to them, and we a great big State...or...or an assembly. The story failed to explain to all of us, to the readers, how transfer and operations of the University of Illinois Hospital to Cook County can be more expensive than the combined operations of the mortgage costs, of a new Cook County structure of comparable size. One reason is that the study did not even draw such a conclusion. We are wondering about that, because a lot of money's going to be asked of the people of Cook County, as it is now. So what I am asking you, that we will maintain the amendment that we made on this, and that in your conference committee, that we will consider these eleven items that was put down to us by the...the Department of Public Health, that they will be honored in this deal. I...I'm just not for it. But anyway, I just wanted to say this...but...I'm...I'm not for it. I'm just not for it. I'm sorry.

PRESIDENT ROCK:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I certainly have some compassion for Senator Topinka's position and other people. I have been in contact with the Governor yesterday. He has been working with George Dunne. He's been working with Dr. Ikenberry. I'm not saying they're real, real close to a compromise, but they have been talking, they have been negotiating. It would seem to me the fair thing to do would be pass these two bills, get them in conference committee. The Senate sponsor had assured me, Representative Keane has assured me, that they will work on it and try to work out a reasonable compromise. Now I happen to think that's a good thing to do, and

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we all ought to vote Aye.

PRESIDENT ROCK:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Question of the sponsor.

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Marovitz.

SENATOR MAROVITZ:

Senator Lechowicz, if this bill goes to conference, and comes back here, one of the things that concerns me, having been involved in this issue from the very beginning, is even on this day, deadline day, nobody knows, nobody knows what the cost is. Nobody knows who's going to pay for it. Now it seems to me pretty basic, that before we vote on a project as immense as this, basically, somebody ought to know who's going to pay for it, and how much it's going to cost. Do we have...and I would like to know that you will not call this bill unless we know who's going to pay what dollars. Is it going to be the taxpayers of Cook County? How much is it going to cost the taxpayers of Cook County? Is it going to be the taxpayers of the State of Illinois? Are we going to take it out of the General Revenue Fund? Who's going to pay for it, and how much? No, I really would like to know from the sponsor, if this bill will not be called until we have those specific and definite answers.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Senator Marovitz, I think you've known me long enough, that those are...probably also my concerns. It's my intent, after this bill is in conference committee, and if it comes out of conference committee, to put out a fact sheet, detailing exactly what your questions were raised, as far as what it's costing and who's

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paying for what. There will be a fact sheet distributed to every Member of this Floor.

PRESIDENT ROCK:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I want to assure that any remarks that I make are not directed at the Members of this Senate. There's been plenty of time for compromise on this bill. Plenty of time. And there's been absolutely no effort to do so. This bill was conceived...was conceived in arrogance, there was no intent to ever talk to any of the interested parties, that is, those representing the consumer. Senators, we attempted once we found out this was in the works, to sit down, those of us who represent that community which serves the indigent, attempted to sit down early on. We were in effect told, "Mind your business." We were told that by the officials from the University of Illinois, and by its board. That's what we were in effect told. That's how this bill has come up, and is meeting the kind of hostility and suspicion that you see exhibited on this Floor. In my twenty-one years in this Legislature, I have never, never witnessed a public body to exhibit this kind of conduct in contempt of you, this Legislature. That's the background. Now it's time for us to emerge from the murky waters of the University of Illinois Medical Center's proposal, and look at this stuff for what it is. There are two separate issues. First, there's the U of I Medical School, and the Reese affiliation. I'm skeptical that such a merger will do much to augment the investment of the Illinois taxpayers, who have thought they were paying for an academically excellent institution. And speaking of investments, had I one in Reese Hospital, I would be thrilled. I would be thrilled at the thought of acquiring the U I Medical School free of charge. Far more important at present, is a second issue,

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those who are sick and poor. Not one or the other, both sick and poor. Those are the helpless that we in government purport to protect. That's our function. That's our job. Well, part of this so-called package deal is that the U of I Hospital released its unused space to Cook County Hospital. How many of you been to County Hospital lately? That institution is so aged and decrepit that it is impossible to simply keep it clean. It is one dirty institution, to which I would not want to send a person who is ill, a person who has problems and ought be avoiding germs, and we're sending them into a germ pit. George Dunne, who is a good executive, has been attempting to do something with that situation for years. Now, all of a sudden, we are told that this is the excellent facility to which we're going to send our indigent. I don't buy it. You ought not buy it. It doesn't make sense. I suggest that we ask ourselves how we might make best use of our tax dollars. We're sending those dollars to Cook County, we send them to the State of Illinois. But Cook County Hospital is not only antiquated and decrepit, it is also too centralized, and difficult for access. Meanwhile, we have a number of fine medical institutions in the City of Chicago available, available to Cook County, the U of I Hospital among them. Common sense says that we deliver services to the medically indigent in better facilities and closer to home. Phase out Cook County Hospital over a period of time. Take two hundred million, three hundred million, whatever the cost of county taxpayers' dollars, and use them to pay for service to the medically uninsured, at the better and more available facilities. Specifically, I propose that the U of I Hospital should enter into a contract with the County of Cook to serve the medically indigent, sufficient to fill all the empty beds there. When that has been accomplished, then similar contracts could be executed with selected hospitals around Cook County, and Michael Reese is one of those, until we have made the

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best possible use of our money in the interest of the largest number of patients possible. We cannot permit this affiliation to go forward unless we are absolutely assured, absolutely assured, that medically indigent are properly cared for through appropriate and cost-effective arrangements with the County of Cook, and I suggest to you, that has not been done. I would solicit red lights on this measure.

PRESIDENT ROCK:

All right. Senator Lechowicz may close.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would ask for an Aye vote, so these bills can be put in a conference committee. Appreciate your help.

PRESIDENT ROCK:

Question is, shall House Bill 1191 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 38 Ayes, 15 Nays, 6 voting Present. House Bill 1191, having received the required constitutional majority, is declared passed. Top of page 9, 1192. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1192.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Basically, this -- bill also has to go to a conference committee so that the negotiations may proceed. I'd ask for a favorable vote.

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PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall House Bill 1191 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 10 Nays, 3 voting Present. House Bill 1192, having received the required constitutional majority, is declared passed. 1203. Senator Jacobs. On the Order of House Bills 3rd Reading, top of Page 9, Ladies and Gentlemen, is House Bill 1203. Read the bill.

SECRETARY HAWKER:

House Bill 1203.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hudson. Senator Jacobs, I'm sorry.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the negotiated and nonnegotiated changes to Public Labor and Education Labor Relations Act. This includes the agreed-upon process and agreed-upon amendment. And then it also includes two amendments...three amendments, excuse me, that were added that may be more controversial, but I ask for your support and I'll try to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Kelly.

SENATOR KELLY:

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

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he will yield. Senator Kelly.

SENATOR KELLY:

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Senator Jacobs, I'd like to ask you, does the amendment require that an exclusive...representative which chooses a second option must agree to indemnify the employer against all types of fair share challenges?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

No, Senator Kelly, the bill only requires that the indemnification provision provide that the exclusive representative must indemnify the employer. Where there is a legal challenge, the employer's transmission of the fair share fees to the...exclusive representative. It does not require the indemnification provision cover any other types of legal challenges involving fair share fees.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kelly.

SENATOR KELLY:

Okay. Does the amendment require that the exclusive representation which chooses the section option must agree to indemnify the employer against a legal challenge which results from the employer's negligence or intentional misconduct in transmission of fair shares fees to the exclusive...representative?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

No, the bill does not require indemnification in that situation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kelly.

SENATOR KELLY:

Final question. Does the amendment require the

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indemnification provisions include any specific terms?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Senator Kelly, other than what I have just stated, the bill does not specifically require anything more. The employer and exclusive representative are free to bargain over such matters as whether the indemnification provision shall cover employee conduct which is negligent, or willful, or any other conditions or limitations concerning indemnification.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With all due respect to its very fine sponsor, Senator Jacobs, I rise in opposition to this bill as I did yesterday. I rise in opposition not only because of the content of the bill, and principally the amendments that were added yesterday at a rather late date - Amendments No. 2 and 3, placed on the bill yesterday - but in our thinking placed on the bill in...in violation of a spirit that we thought we had going, and that is a spirit of agreement. Now these amendments were not discussed with...with us, or really in some sense, with Senator Jacobs, I think it's safe to say. But anyway, they were amendments that apparently the House of Representatives wanted to ram onto this bill, and they have succeeded in doing so. Senator Jacobs, yesterday as you recall, did help us with Amendment No. 4, which struck the provisions of Amendment No. 1. But it left Amendments No. 2 and 3 on here, which do violation, I think, to fire protection districts, and includes a lot of other people in the Labor Relations Act in considerations that weren't included before. And it really...the whole thing is really, as I've said before, in

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violation of...of an agreed process. You might be interested to know that this started out as a fifty-four page bill over in the House, and then was amended to become kind of a vehicle bill. It had a fifty-four pages originally of nonsubstantive changes to the Public Relations Labor Relations Act, and the Education Labor Relations Act, but it was stripped of that, became a vehicle bill, and then, these amendments, principally because of the urging of our House members over there, were added to this bill. And I know other members here will be speaking to some of those provisions. But I ask you, Ladies and Gentlemen, to realize that what has been done here is not good. It's not something the fire protection districts want. It reduces the requirement of...down to ten members. It used to be thirty-five or more. They were excluded in fire protection districts for example, were excluded, but now under the provisions of Amendment No. 3, any fire protection...protection district units with ten or more people are included. And we just think that this is in violation of what is...what the...what those districts want. It's going to place a hardship on them. They're not prepared to assume this additional obligation. And all things considered, I can only urge you strongly to consider this carefully and vote No on this bill for...for the reasons that I have mentioned.

PRESIDING OFFICER: (SENATOR LUFT)

Let me point out that we have five lights blinking on this bill. If we could be brief, we'd appreciate it very much. Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I have a couple questions for the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor...sponsor indicates that he will yield. Senator Madigan.

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SENATOR MADIGAN:

Senator, in following up with Senator Kelly's questions for the record, does the amendment on the Educational Labor Board maintain...does this require that they will maintain escrow accounts to hold the fair share fees of those employees who file objections to the amount of the fair share fee with the board?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Senator Madigan, yes, the bill statutorily authorizes the board to continue, without interruption, its current practice of maintaining such escrow accounts. It requires the board to maintain these accounts and place a priority on their maintenance. However, an exclusive representative may maintain its own escrow account. Then if the exclusive representative maintains its own escrow account, it must make sure that its escrow account complies with rules promulgated by the board regarding escrow accounts, or it must agree to include an indemnification provision in its collective bargaining agreement.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Does it also require that the board shall promulgate rules for those escrow accounts which would be maintained by those exclusive representatives?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Yes, Senator Madigan. The Labor Board must promulgate such rules within thirty days of the effective date of the amendatory Act, in order to...provide an exclusive representative, which chooses to maintain its own escrow account within statutory

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options of either complying with escrow rules promulgated by the board, or agreeing to include an indemnification provision in its collective bargaining agreement. By the amendment, we merely intended that these rules set forth what, at a minimum, is constitutionally required of an escrow account maintained by an exclusive representative in order to safeguard against the improper use of any disputed fair share fees by the exclusive representative.

PRESIDING OFFICER: (SENATOR LUFT)

Could we have the electrician check this side of the aisle, please? I thought it was Christmas for a second. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. I have the utmost respect for my colleague who's sponsoring this bill, he being a former mayor, and I being a mayor. But this doesn't affect my city. But when you put Floor Amendment 3, which would bring the fire districts with ten or more employees into the Illinois Public ...Labor Relations Act, what you did is create a great cost to the small governments. And I want everyone here to realize, if you have small cities in your districts that depend on fire protection districts for your fire protection, I would suggest that you not support the bill, and I would suggest to the sponsor that you take it out of the record, and take this horrible amendment off of it, and I could vote for the bill. Because it is a financial hardship to these small cities that have to depend on the fire protection districts, when they have be saddled with more costs. They...have trouble right now. So please, Mr. Sponsor, wouldn't you take it out of the record and take this horrible amendment off your bill?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpziel.

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SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR LUFT)

The...sponsor indicates that he will yield. Senator Karpriel.

SENATOR KARPIEL:

Senator Jacobs, I understand that there has been some type of an agreement to take Amendment No. 2 off in the House.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Yes, Senator Karpriel, that is true. We just learned that...that they have agreed to remove it. We just didn't feel we had the time to mess around with it. So we just wanted to get it out of here, but they have agreed to...to remove this in the House, yes.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpriel.

SENATOR KARPIEL:

Well, Senator Jacobs, I'm very glad to hear you say that...on the record, but originally in the negotiations they had agreed not to run any amendments at all. So I certainly hope that we have your word, as well as their word, that this will be done.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Yes, yes, Senator, we were going to commit to that anyway, even if they did not, that if there was no agreement, we would ask that it be non-concurred with. If it was nonconcurrent with, or if they did not follow up on that, we would have even asked for an amendatory veto, yes.

PRESIDING OFFICER: (SENATOR LUFT)

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Further discussion? Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield. Senator Woodyard.

SENATOR WOODYARD:

Senator Jacobs, on Amendment 3, how many fire districts would be affected by removing the thirty-five employee cap and taking that down to ten?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Approximately thirty, with probably four hundred just looking here real close, probably affecting four hundred and fifty firefighters.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Woodyard.

SENATOR WOODYARD:

Well, Mr. President, and Members of the Senate. I think it is rather apropos that the fire protection districts are having their annual convention over here in Springfield today, and we're going to shove something like this on them. I would certainly urge every downstater, particularly, to oppose this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates that he will yield. Senator Dudycz.

SENATOR DUDYCZ:

Senator Jacobs, my analysis tells me that all but one

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provision of Amendment No. 1 was agreed to by all interested parties. And I was contacted this morning by a representative of the Fraternal Order of Police, and they...they told me that the provision regarding to the firefighters of the State universities and the Public Act rather than the Education Act section, the police were not afforded the opportunity to be in these negotiations. Is that true?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

The problem, Senator Dudycz, was not that they were not invited. The problem is trying to get them into...(inaudible). What they do is they represent some of the university fire departments that said we're aware of the issue. I don't know how to resolve it at this late date, but I have no qualms if it goes over to the other side to have that included. I have no qualms to that.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dudycz. Further discussion? Further discussion? If not, Senator Jacobs, to close.

SENATOR JACOBS:

Thank you, Ladies and Gentlemen of the Senate. And...and Mayor, Senator Geo-Karis, will you still respect me in the morning? I hope so. But in all candor, I would just like to say I think this is in effect a pretty good bill. And I'd like to see us get it out of here, and if there needs to be a little more modification, we know that it's going to go into non-concurrence. So we'll just go ahead and ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 1203 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

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all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 35, Nays 22, 1 voting Present. House Bill 1203, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 1313. Senator Jacobs. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1313.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This was a bill that caused a little controversy, and we have amended out the -- the change from two to three percent on the gross receipts of foreign fire insurance. Now it just allows the firefighters to -- to insure that they -- they use the money for their own maintenance, use and benefit of the fire department, and they can elect their own officers. Ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Yes, thank you, Mr. President. For the record, Senator Jacobs, since we took it out of the record last time -- my city has some questions about how the money will be spent. I know it specifies it'll be for fire department equipment, but will it be -- specifically for that, or is there a loophole in there that they could spend it on more frivolous things, recreational equipment or whatever?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

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No, Senator, excuse me. The intent is, Senator, that it be used for maintenance and -- and for those items of equipment that is for the safety and -- and benefit of the fire department. If there is a problem, the city council could, in fact, enact an ordinance spelling out where the monies can and cannot be spent under some of the limitations under the law.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Weaver.

SENATOR WEAVER:

Senator Jacobs, does this preempt home rule?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Yes, Senator, it does.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Weaver.

SENATOR WEAVER:

Then it would take 36 votes to pass. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Jacobs, you wish to close?

SENATOR JACOBS:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 1313 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

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the question, the Ayes are 41, the Nays, 15, 2 voting Present. House Bill 1313, having received the required constitutional majority, is declared passed. Channel 20 and Channel 7 ABC-TV Chicago ask permission to tape in the Senate gallery. Is leave granted? Leave is granted. On the Order of 3rd Reading is House Bill 1315. Senator Jacobs. Read the bill, please, Madam Secretary.  
SECRETARY HAWKER:

House Bill 1315.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Will you remind me next year not to get bills, you know, in a row like this, please?

PRESIDING OFFICER: (SENATOR LUFT)

I will.

SENATOR JACOBS:

Okay. Thank you. This bill really is a fairly simple bill. What it really does is exempts from the Illinois Commerce Commission regulation of motorcarriers, any transportation of a motor vehicle by a tow truck or rollback car carrier clipped as a tow truck, when requested by the owner of the towed vehicle. What this does, it allows the owner to make the decision on who he wants to tow a vehicle. It allows -- excuse me, there is no opposition to this from the Commerce Commission, as per our discussions. I know of no true opposition. Ask for its support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1315 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

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Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present. House Bill 1315, having received the required constitutional majority, is declared passed. On the Order of House Bills 3rd Reading is House Bill 1339. Senator Demuzio. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1339.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1358 <sic> is a bill that passed the House 102 to nothing. It was also a bill similar to another bill that we in the Senate passed out -- I'm sorry. 1358 is Senator Berman's. It deals with Degradable Plastic Act. In this particular instance this would direct the Energy and Natural Resources to study the degradable plastics and to develop a model landfill practice to promote a degradation of degradable plastic containers, and it would require all agencies and departments that purchase plastics to purchase degradable or recyclable products as the market permits. I know of no opposition. Would ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1339 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 58, the Nays none, none voting Present. House Bill 1339, having received the required constitutional majority, is declared passed. In the middle of Page 9, on the Order of 3rd Reading is House Bill 1343. Senator

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Zito. Out of the record. On the Order of House Bills 3rd Reading is House Bill 1359. Senator Rea. Senator Rea. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1359.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. House Bill 1359 has to do with the guarantee on rebuilt motor vehicle parts. It was amended yesterday, and I would ask that it -- for the adoption today, so that we can then send it to conference committee, because there's still some negotiations going on as to an agreed bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Thank you. Senator Rea, of course this went through the Transportation Committee and several of us voted No, 'cause we had some concerns, and some of those concerns - I don't know that were addressed in Amendment No. 1. One is, how is a "rebuilt part" defined?

PRESIDING OFFICER: (SENATOR LUFT)

Senator -- or, Senator Rea. I'm sorry.

SENATOR REA:

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These are the concerns that were raised in the committee or concerns -- are being worked on, and we hope that we'll be able to come back with an agreed bill that will deal with those particular issues. Receipt for the bill, definition of parts, who is responsible for the part, those types of things that were raised in committee.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Okay. So I guess you don't have the answer then to our concern about a -- how does a -- or does a rebuilt part include a body work?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

I do not have the answer at this time, but hope that this will be, you know, worked out in the agreed process.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Watson.

SENATOR WATSON:

Well, thank you. I appreciate the Senator's willingness to try to work this out in a conference committee. There's -- there is considerable opposition to this legislation. We have a situation in which we're going to say three thousand miles or ninety days, whichever comes first. We have the receipt which would ultimately dictate the ninety days, but we don't know - the individual won't know and the individual who made the part won't know what the mileage was, when -- if this part goes bad, and to create a warranty. We're also at the situation which we're probably going to cause a price increase on rebuilt parts, because now that warranty is going to have to be established, and these individuals have to guarantee the parts for the provisions within the bill, so

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that's going to -- we'll see an increase in -- in price. So I think there's just too many unanswered questions here, Senator Rea, that I have some concerns with, and I appreciate the fact that you're willing to go to conference, but I think we ought to just defeat the bill right here and now, and go on from there. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he'll yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, why do we need this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Well, at the present time, there's no guarantee in terms of rebuilt auto parts, whereas for new parts there -- there are, and I -- I realize that there are some concerns that Senator Watson has expressed, but I can also tell you that if we do not come up with an agreed bill, that at that point in time we will place it in -- we will place it in -- back to committee for -- to work on it during the upcoming year.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, this is the first time I've looked at this -- at this bill, but it seems to me that what we're doing here is trying to set up a requirement that -- that used auto parts that people oftentimes go to junk yards and try to pick up a part to fix up their car inexpensively. Now we're going to set up a procedure

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whereby they can't sell that part unless they put a guarantee on it. That doesn't make any sense to me and it seems to me that, with all due respect to the -- to the sponsor, we shouldn't put a bill like this in conference committee. The problems ought to be worked out prior to this time. This is a House bill that went through the House. Now it's gone through the Senate, and there's no real plan as to -- as to what the bill's going to do. Let's not put this bill in -- in conference. The conference process is to work out differences between the two Houses, and it seems to me that -- that this bill isn't ready to pass.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio. The rate we're going, we'll be -- fifteen hours from now we'll be finished. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I wish you'd have said that when Senator Schuneman got up.

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry.

SENATOR DEMUZIO:

The sponsor has indicated that -- let me ask the sponsor a question, if I might, if he will yield, please.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor will yield.

SENATOR DEMUZIO:

Senator Rea, is it -- is it your intention, along with the House sponsor, Senator Hicks, that this bill will, in fact, go to a conference committee? Is that what you are representing today?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

That is correct. To -- to send the bill back to conference

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committee, and there has been a considerable amount of work that has been done on this, on the various concerns, and if there is an agreement, then we'll bring it back and if not, why then we will put it in committee to study it for another year as to alleviate those problems.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

But Representative Hicks's intention then is to move to refuse to recede from the adoption of Senate Amendment No. 1, so that, in fact, would go to conference. And with that understanding, why, I think -- that's the sponsor's request, I'm willing to vote Aye.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

Do you in any way address the labor of installing any of these rebuilt parts? I'm thinking about the fifty-dollar part that you give the fellow two hundred and fifty dollars to install.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

No.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney. Further discussion?

SENATOR RIGNEY:

Well, I'm working on the other side of the street on this one. I think you got a great bill there, I just wish you were also including the labor in it, because three thousand miles for a lot

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of us is about maybe three weeks of driving. I think if we buy a doggone rebuilt part, we're entitled to have -- at least last that long, and I'm also concerned about the labor costs, and maybe that could be addressed too, later on.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR REA:

Thank you, Mr. President. This is a consumer bill to give the consumer protection only on rebuilt auto parts, and I would ask for an Aye vote, so that we can take this bill to conference committee.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 1359 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 30, Nays 29, none voting Present. House Bill 1359, having received the required constitutional majority, is declared passed. Senator Watson.

SENATOR WATSON:

Yes. I'd ask -- like to ask for a verification.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Watson has requested a verification of the affirmative votes. Will the Secretary -- Secretary, please read the affirmative votes.

ACTING SECRETARY: (MR. HARRY)

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

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson, do you question the presence of any Members?

SENATOR WATSON:

Senator Alexander.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Alexander. Is Senator Alexander in the Chambers?  
Senator Alexander, I think is in the phone booth. There she is.

SENATOR WATSON:

Okay. Thank you. Senator Severns.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns. Is Senator Severns in the Chamber? Senator  
Severns, standing in the middle aisle. Further questions?

SENATOR WATSON:

Yes. Senator Newhouse.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Newhouse. Senator Newhouse is in the back of the  
Chamber.

SENATOR WATSON:

Senator Jones, please.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR WATSON:

Thank you. Senator Joyce, both.

PRESIDING OFFICER: (SENATOR LUFT)

Senator J.J. Joyce is here. Senator Jeremiah Joyce.

SENATOR WATSON:

Yes, they're here. I see them. Right here. Senator D'Arco is  
there. Senator Collins. I see her. Senator Carroll.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll, in the back of the Chambers.

SENATOR WATSON:

Looks like you're all here.

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PRESIDING OFFICER: (SENATOR LUFT)

All right.

SENATOR WATSON:

Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Roll call has been verified. There are 30 Ayes, 29 Nays, none voting Present, and House Bill 1359, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 1423. Senator Zito. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1423.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. House Bill 1423 reflects a worked-out and compromised agreement between the Department of Insurance and various other groups. What it will do is authorize the Director of Insurance to waive the approval process for mergers or acquisitions of companies with assets in excess on one million dollars. This, you'll recall, was on the Recall List yesterday. We adopted an amendment that Senator DeAngelis and I offered, which reflected that compromise. I don't know of any opposition and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1423 pass. Those in favor will signify by saying Aye -- I mean voting Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question,

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the Ayes are 57, the Nays are none, and none voting Present. House Bill 1423, having received the required constitutional majority, is declared passed. On the Order of House Bills 3rd Reading is House Bill 1453. Senator Netsch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1453.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1453 is essentially a cleanup of the bid-rigging bill that the General Assembly passed last Session, which was Senate Bill 2-0-0-2. It -- most of the changes that are in here were also part of Senate Bill 1447 <sic> (1391), of which I was the sponsor and which the Senate voted out of here earlier in the Session. I would say that, for the most part, they addressed the concerns of some of the units of local government that our language went so far that -- legitimate actions on the part of public employees might be subject to -- challenge under the Act, and we've tried to clarify all those matters. I don't think they are of great moment. The other provision, which at the moment, is different from Senate Bill 1447, which is still pending over in the House, is the amendment which Senator DeAngelis and I offered. He offered the first part of it, and I offered the second part of it yesterday -- which basically allows a corporation not to be permanently barred from -- contracting with a unit of public -- I'm sorry, unit of local government, so long as the conviction of an employee meets certain conditions. One, that the employee no longer works for the unit of local government, and secondly, that -- the -- it is

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-- the corporation, itself, has either been adjudicated not guilty, or demonstrates to that unit of local government and the unit of local government specifically so finds that the commission of the offense was not authorized, requested, commanded nor performed by a director, officer or high managerial agent. In other words, where the corporation is really a participant, they should be prohibited from bidding in the future. Where the corporation is essentially innocent and the employee was on a frolic and detour of his own, then we concede that the corporation should not be permanently barred. I think that's really the only new provision in this bill. I would ask...request for House Bill 1453.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Just a question. Senator, Senate Bill 1447 was never called for a vote in the Senate. Do you have another bill number that might be correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

I'm sorry. You're right. It was -- 1391. I beg your pardon. The -- the bill got introduced twice, and I decided to go with 1391, and my recollection brought up...1447. 1391 is still over there. It will pass, and I will clean it up to comply with this one. Thank you, Senator Hawkinson.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, Senator Netsch, you wish to close? All right. The question is, shall House Bill 1453 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On

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that question, the Ayes are 58, none voting Nay, none voting Present. House Bill 1453, having received the required constitutional majority, is declared passed. On the Order of -- House Bills 3rd Reading is House Bill 1463. Senator Barkhausen. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1463.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 1463 contains two parts. The first is a recommendation from the Department of State Police regarding cleanup provisions of record keeping that they are required to do as a result of legislation we've approved within the last three years. By an amendment, the effective date is delayed to -- to give them time to implement these altered requirements. The only other significant provision was Amendment No. 4 which came as a recommendation from the Cook County State's Attorney, and it involves a -- an increase in the penalties for aggravated battery of a child. I'd be happy to answer your questions, and would otherwise solicit Aye votes.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1463 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, none voting Nay, none voting Present. House Bill 1463, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 1469. Senator Welch. Senator Welch. On the

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Order of House Bills 3rd Reading is House Bill 1473. Senator Carroll. At the bottom of Page 9. On the Orders of House Bills 3rd Reading is House Bill 1480. Senator Marovitz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1480.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. House Bill 1480 was drafted by the Illinois Mortgage Bankers Association. It makes various changes to protect the mortgagor's interest in real estate. It allows a mortgagee to require the plaintiff mortgagor to pay for liability insurance during foreclosure, and the holder of a certificate to sell title to another party before expiration of the period for appeal. Tender of an executed deed by a mortgagee or recording of such a deed by a mortgagee won't constitute, in and of itself, acceptance of the deed by the mortgagee in lieu of foreclosure. It requires consent of all mortgagees with an interest in the real estate, rather than only the principle mortgagee, for the entry of a consent judgment, and specifies that all costs regarding the preparation, filing or prosecution of the foreclosure suit are recoverable by the mortgagee, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1480 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 1480,

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having received the required constitutional majority, is declared passed. Page 10. Turn the Page. House Bills 3rd Reading is House Bill 1497, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1497.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. 1523. Senator Maitland. On the Order of House Bills 3rd Reading is House Bill 1-5-2-3, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1523.

(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. First of all, I would like to ask leave of the Body, Mr. President, to have Senator Joyce Holmberg -- as -- listed as a hyphenated co-sponsor. She made that request.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request. Is leave granted? Hearing no objections, leave is granted. Senator Holmberg will be added as a hyphenated co-sponsor. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. House Bill 1523, as amended, is a part of the Farm Bureau Chief Program, and this component requires the State Board to develop a pilot educational telecommunications network for rural school districts. We discussed this the other day. We do have an

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appropriation bill in the State Board budget to accommodate that -- that purpose. It secondly also takes the ten-year -- takes the five-year limitation off of high school deactivation. There were some concerns by some of the Members on that side of the aisle with respect to teacher protection. We have resolved that difference, and I would be happy, Mr. President, to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I would just like to add to those Members on this side of the aisle that this bill is in very good shape, and I would recommend that they support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 1529 pass -- I'm sorry, 1523 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1523, having received the required constitutional majority, is declared passed. 1530. Senator Marovitz. House Bills 3rd Reading is House Bill 1-5-3-0, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1530.

(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. House Bill 1530 gives the court discretion as to whether funds in

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excess of repair costs will remain in escrow after completion of the necessary repairs to fix up a dilapidated building. The owner must submit bills to the manager of the escrow account within thirty days after the owner receives the bill from the contractor, and this will allow the court the discretion to have the building repaired and to be in control of the repair of a dilapidated and criminally abused building.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Questions of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, did the amendment, Amendment No. 1, that we adopted, did that delete all the provisions relating to criminal penalties so that this just involves some civil sanctions at this point?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

There are no felony penalties left in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Are there -- are there some misdemeanor penalties? Are there some -- still some criminal provisions here, and under what circumstances do they apply?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The only penalty that's left in the bill is if somebody's

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convicted of criminal housing management, it's a misdemeanor. All the stuff that we talked about in Judiciary Committee regarding real estate taxes - that's all been -- and felonies has all been removed from the bill, and the -- and the -- the amendment was put on at the request of the -- the Realtors. They helped draft the amendment. The Realtors are -- have withdrawn their opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussions? Question is, shall House Bill 1530 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1530, having received the required constitutional majority, is declared passed. Senator Carroll. 1549. On the Order of House Bills 3rd Reading, House Bill 1-5-4-9, Mr. Secretary.

ACTING SECRETARY:

House Bill 1549.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Two years ago we introduced and passed -- the Governor signed legislation allowing sales reps certain causes of action when manufacturers who deliver goods did not allow them or did not pay them commissions 'cause between the act of the order and the delivery, they cancelled the contract. What this amendment to that law would say is that as long as there's representation in Illinois, the actual delivery point of the goods does not have to be in Illinois. It would allow us to therefore allow citizens of Illinois to file suit if they had represented somebody while here,

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but the delivery happened to have been in Michigan or Indiana or wherever, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Support? Discussion? If not, the question is, shall House Bill 1-5-4-9 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 1549, having received the required constitutional majority, is declared passed. 1557. Senator Schaffer. 1559. Senator Hall. On the Order of House Bills 3rd Reading is House Bill 1-5-5-9, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1559.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Defines municipality as a county, city, village, incorporated town or township. Upon request by a municipality, IDFA shall conduct a survey by mail applicable to a municipality prior fiscal years. If upon receive of the survey...survey, IDFA determines a municipality be distressed, it must notify the heads of all State agencies. If one of the following criteria is present, IDFA shall exercise its powers and duties pursuant to the Act: a) a deficit over a three-year period with a deficit of one percent or more in each of the previous fiscal years; b) expenditures have exceeded revenues for three years or more; c) default in payments of principal or interest or any of its bonds or notes; d) missed a payroll for thirty days - and in my case

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down there in our area, we have gone far exceeded that, already; failed to make a required payments to judgment creditors for thirty days beyond the date of the recording of the judgment; at least thirty days beyond the due date has failed to forward taxes withheld on the income of employees, or has failed to transfer employees or employees' contributions to Social Security; g) has accumulated or operated for each of the two successive years a deficit equal to five percent or more of its revenue; failed to make payments of its minimal obligation to a pension fund. Now, I am happy to say that since the Governor has put his task force in there, they now have that the people who are working to look for a fiscal agent, to be responsible, and this is much needed for cities that are financially distressed or municipalities. I'd ask your most favorable support for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I just want to point out our analysis says this is an East St. Louis bailout, and that's not necessarily the case. There has been many of us involved in the task force that's been looking at not only East St. Louis, but other troubled cities throughout this State that are having problems financially, and certainly East St. Louis is one of them. But...we have worked hard with Senator Hall, with...with the people in East St. Louis, trying to come up with a plan that will help them in the long run. We're not looking to bail them out, we're looking to help them recover themselves, and the task force recommendations, I think, are pretty well spelled out in this legislation, and they...they are very restrictive on the community. What we are doing here isn't necessarily being supported by everybody in East St. Louis, but it's being supported, I think, by the responsible people, and the ones who

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want to see East St. Louis pull themselves up by themselves, and not necessarily have the outside dollars and influx of outside money to do it for them. This is what this attempts to do, and I appreciate Senator Hall, and the others who participated in this task force, to try to make this a reality. And I urge the Body to support this legislation. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Just a real quick...note. I also was on that task force, and I understand that the Governor has okayed this proposal. I, too, think we should be voting for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Yes...Mr. President. Just real quick. Senator Hall, do you have a price tag to this bill at all?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

There is no price tag. It has to go through an application process to determine what that is. There is none in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator, I'm sorry, Senator Jacobs.

SENATOR JACOBS:

Senator, I understand that, but...but isn't there any money appropriated, or are you going to appropriate any money for this, or are we just going to go through the process and not give them any money?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

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Senator, there are no loans or grants that may only be for current expenditures, that's loan...so that section was repealed, so...years back. So what happens is that...as Senator Watson alluded to, the cities have to come forward and try to make some concerted effort to help pull themselves up, and that is why the Governor insisted on the task force, and I am very thankful for Senator Fawell and Senator Watson, who served on this with the stringent thing to understand that you must have fiscally responsible. So the loan has to go in, and that's what happens. There's no price tag right now on the thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you...thank you, Kenny, for that. I guess, my problem is in looking at the...the analysis, it says the IFDA shall distribute grants and loans to financially distressed municipalities, and the grant portion is the portion I am asking about, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Senator, there is loans and grants, but they...these loans and grants have a repeal Section 63092, and loans and grants may only be for current expenditures. That's what that is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Just real quick, 'cause I'm not going to belabor the point, and I understand the needs of the area. I guess just as a former mayor, I just...whenever we are looking at a one-percent deficit, anyone can apply. That gets a little scary to me, but I understand where you are coming from, Kenny. And I am not sure

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how I am going to vote...but I'll leave it drop at that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Senator Hall, this week's Time Magazine has quite an extensive article regarding...East St. Louis, and I read something in there which disturbed me quite a bit. It says that there has not been a municipal audit since 1985, and estimates of current debts run as high as forty million. Goes on to say that the task force offered a loan to the mayor, but made it conditional on Mayor Officer accepting a State-approved financial director with total control over city spending, and he has not agreed...to this, and the crisis is continuing. Can you respond to that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Senator, there is a task force, that's an executive group that came off of the task force that Senator Watson and Senator Fawell and I served on. So now that's in place, and with meeting with Marcia Erixon from the Governor's Office and all with...they reduced the City of East St. Louis, reduced their aldermen last May from sixteen to eight. There are eight aldermen now, instead of sixteen, and five of those aldermen are in place and they are working very closely with...with these people on the task force, that the Governor has appointed. So they're not worrying about the mayor, they are going on, and they are taking over this thing and going for it, and so that's what we are working with very closely now, and you got some very responsible people on that task force.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

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SENATOR DUDYCZ:

So Senator, you are saying that the majority of the aldermen in East St. Louis will go along with the loan being conditional on the State-approved financial director having control?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

That's what they are working with, this task force, right now and to see, that is one of the conditions. There must be a fiscal officer who is going to be handling the money. It's not going to the rank and file like it did before this happened.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, just for our clarification, what is the mayor's position on this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

He has joined with it, now.

END OF TAPE

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SENATOR HALL:

He is...he is there, but you remember that he has only eight aldermen, and...but he is going to be working with it, 'cause that's the only life thing of that city down there. It's a depressed city, and the only lifeblood is from this task force that came in and helped, and I am very thankful that they all

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participated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Dudycz. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I...what worries me about this bill is the criteria that is set forth to determine what a financially distressed municipality is, because in my view, it incorporates or includes almost every municipality that I represent. I'm sure it represents perhaps the City of Chicago, and it says if only one of the following criteria is present, that is a deficit of over a three-year period with a deficit of one percent or more. I can guarantee that the City of Peoria's probably had that, and that would make them eligible for the grants. And I'm just wondering if you haven't made your criteria so lax that not only you're not...you are taking care of perhaps every municipality in the State of Illinois, potentially.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, just because you've made an application to IDFA, it's up to them to make the decision whether that you going to be able to qualify, what they are trying to do is to help in communities and help...there are other cities also in serious trouble, but none of them are as bad as the City of East St. Louis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 1559 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 13, one voting Present. House Bill 1-5-5-9, having received the required constitutional majority, is declared passed. 1567.

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Senator Macdonald. House -- Senator Macdonald. Senator -- all right. On the Order of House Bills 3rd Reading is House Bill 1-5-6-7, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1567.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. House Bill 1567 amends the Illinois Purchasing Act to prohibit a person or business entity convicted of a felony from doing business with the State of Illinois or any State agency for one year from the date of conviction of such felony. Now, I would like to read into the record that it is my intent that this apply -- that this bill apply to conviction in courts of Illinois and not in other states. So this will make the bill consistent with other similar bills which have passed this Body this year. I'd ask for your support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Davidson.

SENATOR DAVIDSON:

What -- what effect does this have on correction industries where the prison work and where most of the equipment or office supplies that they make or office furniture is sold to the State? Does this jeopardize that prison industry?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

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SENATOR MACDONALD:

I -- I really am hesitant to ask about that. I think that that's in another different category, Senator Davidson. It would not be my intent or the intent of the House sponsor of this bill for that to be the case. I think that this says, "An Act to prohibit a person or business entity convicted of a felony," but I think a prisoner is under a different category. So I wouldn't think that that would apply.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson. I beg your pardon.

SENATOR MACDONALD:

It's not the intent of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, Senator Macdonald, correctional industries bid and it's bought for the different departments through the Illinois Purchasing Act. Actually, I guess it's a interagency transfer of funds, but I really think you may be jeopardizing this, and I frankly would ask you to pull it out of the record, with leave to go back to it, and get some legal opinion or what, whether you're going to jeopardize what is the -- the main source of employment for the people who are prisoners in State institutes, which also furnishes most of the office equipment for all the departments of the State. Whichever one of the six constitutional officers that we're talking about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Senator Davidson, with the understanding that we could go back to this bill later today, I'd be very happy to see if we can get a clarification.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, I can't give you that understanding, but the Presiding Officer can give the understanding to go back to it, but I think this jeopardizes institutions which supply to many of us, that we should find out before we do something that we may feel sorry that we did.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Presiding Officer -- I -- we can get leave to get back to it, but I -- I mean there's a hundred bills on the Calendar. I can't guarantee it. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. This bill has to back to the House anyway, and may I suggest this to Senator Davidson, that we go ahead and put this bill out and notify the House sponsor - and I'm sure Senator Macdonald will - about the concerns you have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, I don't know how it's going to go back to the House, Senator Geo-Karis. There's no amendment on it. When final action is here, it goes to the Governor. Now, let's not kid anybody. If that's a feeling that it's going to jeopardize, go ahead with it, Senator Macdonald and I will speak to the Governor's Office, and if it does jeopardize the prisons interest, I'm going to ask for a veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise in

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strong support of this bill. In fact, I hope that this bill can be expanded next year to include even more people. The Governor has not been shy about using the veto pen to make any needed corrections, and I doubt that he'd be shy about -- about using it on this bill if corrections are needed. I hope we have green lights on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall House Bill 1567 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 2, none voting Present. House Bill 1-5-6-7, having received the required constitutional majority, is declared passed. House Bills 3rd Reading, House Bill 1571, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1571.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, Members of the Senate. House Bill 1571 is the last of the Mental Health package. This bill is -- unfortunately is headed to a conference committee. The controversial aspect of the bill is the Office of Inspector General, which is within the Department of Mental Health. The House wants it to be outside the Department. We have made an agreement, the Senate sponsors, that it should be in there, provided that the Governor makes a nomination and that it becomes confirmed by the Senate, and with that, it incorporates most of the House Special Committee recommendation on patient care. The

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Department's in agreement with the bill, and I would be glad to answer any questions, but I'd solicit your support and remind you that this is headed to a conference committee, and Senator Schaffer and Senator Daley and I are the sponsors of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. If we had any objections with this bill, they've certainly been met, and it is in fine form, and I do congratulate Senator Kelly on it, so let's get all the green lights on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1571 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1-5-7-1, having received the required constitutional majority, is declared passed. 1621 is on the Recall List. 1686. Senator Maitland. House Bills 3rd Reading, 1-6-8-6, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1686.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. House Bill 1686, as amended -- it adopts the process for establishing a schedule of fees for use of the low-level radioactive waste and disposal facility. We did amend that bill a

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couple of days ago. That was an agreed amendment. We discussed it at that time. I'd be happy to respond to any questions, otherwise appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Welch.

SENATOR WELCH:

Senator Maitland, this started out as a bill to reduce fees for, I think it was Argonne National Labs -- this a different bill? All right. What does this bill do, then?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Maitland.

SENATOR MAITLAND:

Senator Welch, this -- this bill establishes the fee schedule for the low-level radio disposal waste site.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Does it prohibit any particular site or encourage any site within the State, or does it have any effect on the current choice of the Department of Nuclear Safety?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Welch, it's my understanding that it does not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill -- further discussion? The question is, shall House Bill 1686 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 1-6-8-6, having received the required constitutional majority, is declared passed. House Bills

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3rd Reading is House Bill 1-6-9-2, Madam Secretary.

SECRETARY HAWKER:

House Bill 1-6-9-2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. This bill really doesn't do very much of anything. It -- but it does amend the Recycling Act, and the amendment that we put on did clarify the definition of viable market -- markets in recycling. There was a bill that Senator Welch did put an amendment on that could be used for the Tire Recycling Act. This bill, I presume, could be used for that, but I know of no plans at this time to do so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1-6-9-2 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1692, having received the required constitutional majority, is declared passed. 1695. Senator Philip. 1719. Senator Luft. On the Order of House Bills 3rd Reading is House Bill 1-7-1-9, Madam Secretary.

SECRETARY HAWKER:

House Bill 1719.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

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Thank you. Just as the hyphenated sponsor with Senator Philip on 1695, could we get leave to get back to that when Senator Philip comes back on the Floor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well.

SENATOR MAROVITZ:

Hearing no objection?

PRESIDING OFFICER: (SENATOR DEMUZIO)

I -- I --

SENATOR MAROVITZ:

All right, don't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 1719 requires that a bank shall maintain a separate ledger showing the amount of investments that each public agency has in the fund. It also requires each -- asks that each public agency for which the bank invests public funds shall have at all times during normal business hours of the bank, to -- the right to review the ledgers that are maintained by the bank. I'd try to answer any questions. Otherwise I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall -- discussion? The question is, shall House Bill 1719 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 1719, having received the required constitutional majority, is declared passed. House Bills 3rd Reading, Page 11. 1724. Senator Welch. On the Order -- top of Page 11. House Bills 3rd Reading is House Bill 1-7-2-4, Madam

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Secretary.

SECRETARY HAWKER:

House Bill 1724.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill will do is establish a corporate body to promote industrial residential and recreational development in five counties: Grundy, LaSalle, Bureau, Putnam and Marshall Counties. It authorizes the issuance of bonds. There was an amendment put on that requested -- by the IHDA, restricting the bond use. I'd be glad to try to answer any questions. I believe Senator Madigan is also a co-sponsor of this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1724 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 47, the Nays are 11, none voting Present, and House Bill 1724, having received the required constitutional majority, is declared passed. On the Orders of House Bill 3rd Reading. 1737 was on Recall. Correct? House Bill 1754. Recall. We will now move to the Order of 3rd Reading, House Bill 1860. Senator Barkhausen. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1860.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 1860 is a Criminal Code bill relating to gangs and gang members. It specifies certain additional circumstances under which a prosecutor can petition a court to have a juvenile tried as an adult where involved with certain kinds of offenses. In addition, by our amendment, Amendment No. 1 in -- in the Senate, it provides certain penalties for gang membership, for soliciting membership in a gang, for compelling membership in a gang. I'd be happy to answer your questions, and would otherwise ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I rise in opposition to this bill. Quoting from the Department of Corrections, "This legislation could cause explosive growth," - and that's their word, explosive growth - "in the Department's population. Minimal estimates indicate that just the upgrade of sentences that are in this bill will add at least a hundred and sixty-one inmates at cumulative operating costs of five million three hundred and seventy-four thousand dollars." The -- the Department of Corrections is opposed to this bill. The definition of street gang in this legislation was -- that was a request from state's attorneys to tighten up the definition of the street gang portion of the bill. It was not tightened up. It is a very loose and broad definition. It's so broad that it could -- well, one of the parts talks about a street gang or gang-related means criminal activity of two or more who pursue, ordered or authorized by officer or gang leader, committed by any member to increase its size, prestige and dominance of gang in an area. The teamsters and all

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members of the teamsters, not those involved, could be found guilty under this definition. We already passed a bill on this subject matter - and it is an important subject matter - and I agree with Senator Barkhausen. This is an important subject matter, but we already passed a bill on this subject matter. I believe it was House Bill 1859, that has been passed out of the House and is over in the Senate now for -- excuse me, passed out of the Senate and is in the House for concurrence, and I understand it's going to be concurred upon and it will be on the Governor's desk. We've already passed this bill. This bill came before the Judiciary Committee, was defeated in the Judiciary Committee, and I really think it goes way too far. The Department of Corrections is against it. The definition is loose. We have a bill that's much tighter, and I think that's the bill we ought to go with. This bill deserves to be defeated.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. President. I'd like to also add that yes, a bill was passed out of here with a very good definition of what a gang is. It was worked out with the State's Attorneys Office. It does what we're attempting to do here, but it's something that -- it was a bill agreed to and worked out with the State's Attorneys Office, so I don't think that we need to pass this bill out, when we already have a bill that is -- has tight language and accomplishes what we're trying to accomplish with this one.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support of this bill, because we don't know what the House will do after it -- the other bill went over there. We've had our

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experiences, and I urge favorable consideration.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Dunn.

SENATOR T. DUNN:

Senator Barkhausen, where'd this bill come from?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The original bill, as it came to us, was sponsored in the -- are you -- let me ask you, Senator Dunn, are you talking about the amendment or the bill as it came over to us from the House?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn. Senator Barkhausen.

SENATOR BARKHAUSEN:

The -- the bill was sponsored by Representative Martinez -- Martinez. And it -- it contained those provisions which I described at the outset of my remarks relating to circumstances under which prosecutors can petition to have juveniles tried as adults. Then the amendment that I subsequently outlined was contained in Senator Bill 942 that we passed out with about 40 votes, although I emphasize that this is a much narrower version than -- than that which we approved previously.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

You know, I'm concerned about two aspects of it, Senator Barkhausen. I -- I -- I semi-like your intent, but the problem I have with it, here's another mandatory aspect that we're putting

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on judges, and the other aspect of it is the cost. Was the cost as related by the former speaker correct? And if so, where's the money going to come from?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- I don't think it was correct, Senator. I -- because I believe it had to do with the original bill and not the scaled-down version.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The -- we have gang problems in Chicago, so this is a matter of enormous concern to a lot of us. I would have to tell you, Senator Barkhausen, that I have now read the definition of street gang three times, and I don't have the foggiest idea what it means. I think what you are doing is not just tightening up or creating something stronger. I think you are, in this bill now, passing a piece of legislation which is absolutely meaningless. It is useless, because it cannot be used by the police. They wouldn't have any idea what it says, and I think that this really counterproductive. We do have good legislation en route and partially on the books. If you really want to do something effective, address yourself to that, but this is absolute garbage, as it is written.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR BARKHAUSEN:

Mr. President and Members, we did have some discussion the other day on this amendment. There was some discussion between Senator Marovitz and me regarding the question of whether gang

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offense -- a gang should include two or more or should be five or more, and I think -- I think most of us would agree that because there are a number of offenses that are committed by two or three individuals rather than -- rather than five or six, that it makes some sense to -- to -- or makes a lot of sense to go with the definition that includes the smaller number of people. Of all of the gang bills that we have been dealing with - and there -- there have been a few of them - this is the only measure, by virtue of the amendment, that penalizes and -- and makes it a crime to belong to a gang and to solicit membership in a gang. In addition, we feel strongly that it makes sense to enhance, by one notch, the penalties that apply to crimes that are committed in one's capacity as a gang member. We feel strongly that that is good public policy, and we solicit your support.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 1860 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 31, the Nays are 16, 3 voting Present. House Bill 1860, having received the required constitutional majority, is declared passed. Senator Marovitz, for what purpose do you seek recognition?

SENATOR MAROVITZ:

Verification.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz has requested a verification of the affirmative votes. All the Senators please be in your seats, and Madam Secretary, if you would read the affirmative vote, please.

SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Davidson, DeAngelis, Donahue, Dudycz, Ralph Dunn, Etheredge,

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Fawell, Friedland, Geo-Karis, Hawkinson, Holmberg, Hudson, J.J. Joyce, Karpriel, Keats, Kelly, Kustra, Macdonald, Madigan, Mahar, Maitland, Philip, Raica, Rigney, Schaffer, Schuneman, Topinka, Watson, Weaver and Woodyard.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Marovitz, do you question the presence of any Member?

SENATOR MAROVITZ:

Senator DeAngelis.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis. Senator DeAngelis in the Chamber? Senator DeAngelis. Remove his name, please.

SENATOR MAROVITZ:

Senator Kelly.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kelly. Senator Kelly. Senator Kelly in the Chambers? Remove his name, please. Senator DeAngelis has returned. You can add his name back to the role call.

SENATOR MAROVITZ:

Senator J.J. Joyce.

PRESIDING OFFICER: (SENATOR LUFT)

Senator J.J. Joyce. Senator Joyce. Senator Joyce. He's not in the Chambers. Would you please remove his name.

SENATOR MAROVITZ:

That's enough.

PRESIDING OFFICER: (SENATOR LUFT)

All right. On a verified vote, the Ayes are 29, Nays 16, 3 voting Present. House Bill 1860, having failed to received the required constitutional majority, is declared failed. On the Order of 3rd Reading is House Bill 1871. Senator Watson. Read the bill, please, Madam Secretary.

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House Bill 1871.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This bill is commonly called the Deliberate Transfer of AIDS legislation. It just creates a new offense of criminal transmission of HIV. Creates a penalty of a Class 2 felony. Be glad to answer any questions in regard to it. Otherwise, appreciate your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1871 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 55, the Nays, 5, 2 voting Present. House Bill 1871, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 1880. Senator Watson. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1880.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is another piece of legislation dealing with the AIDS problem here in our State. This would amend the Criminal Code to require the State's Attorney, at the request of a sexual assault victim, to seek a court order

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compelling the accused to be tested for HIV, and it authorizes the judge to determine to whom that result may be disclosed. We put an amendment on there at the request of the Cook County State's Attorney that just put in the probable cause initiative and concerns that some had on the committee.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1880 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 54, the Nays, 4, none voting Present. House Bill 1880, having received the constitutional -- required constitutional majority, is declared passed. Channel 25 from Peoria asks leave to tape in the Senate gallery. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading is House Bill 1881. Senator Berman. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1881.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1881, as amended, allows a procedure for children who are adopted to take under the wills prepared prior to September of 1955. The bill, as amended, requires notice to be given to the children. This is as a result of current and prior decisions in the construction of the word "children" and wills, as to whether they included or did not include adopted children. I know of no opposition, as amended. I solicit your Aye vote.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1881 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 1881, having received the required constitutional majority, is declared passed. The middle of Page 11, House Bills Order of 3rd Reading is House Bill 1966. Senator Woodyard. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1966.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. The amendment actually becomes the bill, and it adds clarifying language to -- to the law that retailers or established retailers would not be regarded as door-to-door salesmen if they do direct mailing, and it was suggested by the Illinois Retail Merchants Association.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. It's my understanding, Senator, that although on its face this IRMA amendment might appear to overturn a recent court decision regarding time-share arrangements in advertising, that in fact the amendment is not intended to affect those, because another Statute in current law already requires a cooling-off period, and there's nothing in this amendment that's

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intended to affect that. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Woodyard.

SENATOR WOODYARD:

That is correct.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, Senator Woodyard, you wish to close? All right. The question is, shall House Bill 1966 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 56, the Nays are 1, none voting Present. House Bill 1966, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 1978. Senator Barkhausen. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1978.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, the original bill was a proposal of the Department of Aging to make appeals of their decisions subject to the Administrative Review Act. There was an amendment added - requested by a representative of the community currency exchanges - providing that a community exchange can appeal, under the Administrative Review Act, a decision by the Department of Financial Institutions to grant a license to another community exchange where such community exchange is located within three miles of the other community exchange that wants to appeal that

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decision.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1978 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 1, none voting Present. House Bill 1978, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2-0-0-4, Senator Schuneman. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 2004.

(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. House Bill 2004 is a bill sponsored by the Department of Professional Regulation, and includes a number of amendments to the disciplinary Section of several licensing Acts. I'll be happy to go into details of the bill if there are any questions, but if not, I would ask for its approval.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 2004 pass. I'm sorry -- I'm sorry. Senator Kelly.

SENATOR KELLY:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Kelly.

SENATOR KELLY:

Can you tell me, Senator Schuneman, is the Illinois Nurses

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Association supporting this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

It's my understanding, Senator, that all the organizations that are affected by the bill are now in support of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, the question is, shall House Bill 2004 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2-0-0-4, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2025. Senator J.J. Joyce. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 2025.

(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Yes. Thank you, Mr. President. This is the siting bill with the referendum that we -- the amendment was defeated on the other day. I'd be -- we've heard this before. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. This is a bill that Senator Joyce had here in the Senate, and we did not

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support and it did not pass, and what this bill does - if it's still in here - it requires that the local site approved for new regional pollution control facilities be ratified by referendum if the site was annexed by the approving municipality within the preceding five years. Now, I think that's a -- that's a deliberate interference of the municipality. If a municipality decides to annex a landfill, it's up to the municipality, and I don't think that we should try and -- and constrict their -- their opportunities, and try and constrict their rights to deal with it, and therefore I speak against this bill. I don't see the need of this, because the municipality can decide, let the people in the municipality let their governing body decide what they want to do.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he will yield. Senator Mahar.

SENATOR MAHAR:

I believe that this requires a countywide referendum. I'm wondering - and this may not even be the case - this is not countywide?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

No, it's not countywide. This is the -- the municipality that asked for the referendum. It would be that municipality.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall House Bill 2025 pass. Those in favor will signify by voting Aye. Those opposed, vote Nay. The voting is open. Have all

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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 32, the Nays are 22, 1 voting Present. House Bill 2025, having received the required constitutional majority, is declared passed. At the request of Senator Philip -- Senator Philip. Senator Philip. At the request of Senator Philip, we will now go back to Page 10, and pick up House Bill 1695. Read the bill please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1695.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would ask leave that...that Senator Marovitz be the number one sponsor, and I be the hyphenated co-sponsor. And if we could proceed with the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Leave is granted. Senator Marovitz will now be the lead sponsor, and Senator Pate Philip will be the hyphenated sponsor on House Bill 1695. Senator Marovitz. House Bill 1695.

SENATOR MAROVITZ:

Thank you very much, Mr. President, and Members of the Senate. This is the Illinois Clean Indoor Air Act. And it makes a very clear statement that the General Assembly in the State of Illinois find that tobacco smoke is annoying, harmful and dangerous to human beings and is a hazard to public health. It permits...it prohibits, excuse me, it prohibits any person from smoking in a public place, except in that portion of the place...it's just terrible in here, really...except in that portion of the place

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that has been specifically designated as a smoking area. So it prohibits smoking unless... it really reverses what is going on now, unless an area is designated as a smoking area. It defines "public place," it provides for State and local officials and proprietors of structures that include public places to designate smoking areas. It allows them to do that, where smoking shall be prohibited. It makes violators of the smoking prohibitions guilty of a petty offense. It provides, I will say, for preemption of home rule, unless a...an existing...existing governmental body already has an ordinance in effect. I think it's a very important piece of legislation. It's supported by the Cancer Society, by the Heart Association, and I think it makes an important statement. I think this is an important piece of legislation, and I solicit your Aye vote. I'm willing to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I told the House sponsor, who I have a great deal of respect for, that I wasn't going to speak on the bill, and get in the way of what I know is a train that's already left the station, and a bill that is probably going to fly out of here. But when I hear the Senate sponsor deliver less than the full story on the bill, I really do have to rise to explain what this is. I'm no longer on this bill, and I'll be voting against it, and I regret that very much; it's a cause that I care a great deal about. We talk about AIDS and we talk about drugs on the Floor...it's a funny thing, but three hundred and ninety thousand lives a year are affected by what we are doing here right now and related legislation. Strangely enough, this bill all of a sudden is being lobbied the hardest by the tobacco lobby, right outside the door here. And it's a

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strange day when a bill that once upon a time was opposed by the tobacco lobby, now has its absolute undying support. I guess it tells you something. But please bear with me, while I try to explain to you what happened along the way, and while I tell you what mistakes I made along the way, 'cause I'm not blameless on this either. A couple of weeks ago, there was a committee amendment that we all agreed to. We were very anxious to get this issue out of the way. We wanted a bill. We fought hard for years, and all groups, all health groups and sponsors, agreed to a committee amendment, which was the original Clean Indoor Act. Passed out of the House, but it did two other things that previous Clean Indoor Acts did not do. It established a smokers' rights provision, required the establishment of smoking areas in...in places across the State. That was so offensive to the employers of Illinois, that they came back to us and said, "My God, you can't do this to us. Please take that out." So, you might remember there was an amendment which removed that. And then it did as Senator Marovitz said, it preempted. It has a clause in here which has been in no other Clean Indoor Air Act before, that preempts your own local communities from doing anything in excess of what this bill does. That creates a big problem, because there is a major loophole in the bill. The loophole says that in rooms or enclosures of fifty or under, the employer or the government can do anything they want. If they want to say it's all smoking, they can say it's all smoking. That loophole to me is big enough to drive a truck through. I consented to that amendment, in a moment...a moment lack of judgment. Chalk it up to that. I wanted to get a bill. I thought about it long and hard, and spent the last two weeks nothing short of agonizing over it, and I came up with the decision that I couldn't do that. Since I made the decision that I couldn't do it, I find that there's some support out there. Strangely enough, The American Cancer Society has been

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on the phone the last twenty-four hours, with the Illinois Cancer Society, trying to talk them out of this bill. Telling 'em, "You don't really want to do this." The Chicago Heart Association - Senator Marovitz didn't mention them - they're against the bill. The Illinois Lung Association, they're against the bill. Here we are with a Clean Indoor Air Act, with at least half or more of the groups who originally supported it, now begging off. I'll tell you the reason they're begging off. You all get a magazine called Governing. You get it in your offices, either back home or down here. There's an article in May which explains why the health groups are getting nervous, and why all of a sudden we woke up - some of us too late - too late to really stop this thing. It's an article that appears, it says, "The tobacco industry will walk a mile to stop an anti-smoking law." And in it is the story of a national strategy, by the tobacco lobby, to enact preemption laws, like you're going to enact right here, which will prevent the folks from back home for...from doing what they want to do. Now, some of you already have cities that have acted, and they're grandfathered in, so they're okay. Senator Marovitz's city isn't going to be affected by this. Chicago already has an ordinance. But for any other city out there that might want to do something on down the line, this is the end of that. This is the end of any attempt on that...by their part. In Pennsylvania, where they just did the same thing, Philip Morris has already moved an office into Pittsburgh, where there's a local ordinance. Philip Morris is now beginning a strategy of unraveling the Pittsburgh ordinance. So I suggest to you, Senator Marovitz, I hope you know what you are doing, because I fear that not only will this prevent future cities from enacting their own legislation that might be tougher than this bill, which is very weak, but more importantly, it might begin another campaign back in your own hometown, or in hometowns which you all represent that might have enacted these

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clean indoor ordinances, to roll them back. I'm sorry to have to rise on the issue. I'm sorry to the extent that I botched the issue, because I take responsibility for making a decision to let a bill out of committee which was a faulty bill. But the time is almost too late - I hope it's not too late - but I sense with the tobacco lobby out there clamoring for this legislation, and the Illinois Cancer Society not having come to its senses yet, that this bill is going to fly out, and someday, I'm afraid, we're going to live to regret that. And I would, in the meantime, urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield, Senator Jones.

SENATOR JONES:

Senator Marovitz, what impact would this legislation have on the Chambers here in the Senate?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

The decision would be left to the Body to decide, as it is today.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

So if I want to borrow a cigarette from Judy Baar Topinka, who smokes, I will be able to smoke that cigarette in this Chamber, if the Body decides so?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

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SENATOR MAROVITZ:

Yes.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is a strange turn of events. I felt kind of badly that I couldn't vote for Senator Kustra's bill as he originally introduced it, because, frankly, I felt that it would be the State imposing its requirement on private property and some people that I didn't think were quite ready to accept this. On the other hand, it seems to me that what we've got now is a Clean Indoor Air Act that's really not very clean, and, in effect, gives statutory authority for the first time for people to establish smoking areas, rather than no-smoking areas, and I sure think that's a move in the wrong direction. And for that reason, I'm not going to vote for this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Marovitz, you wish to close?

SENATOR MAROVITZ:

Just...just briefly, to clarify that the Cancer Society and the Heart Association, are both in favor of this legislation. They are in the hall outside. I've spoken to them. They are getting me letters, they are in favor of this legislation, and when Senator Kustra talks about the preemption concern, Senator Kustra sponsored a bill, this bill two years ago, and in that bill was preemption of home rule. So I think this is a good bill. It makes clear policy that nonsmoking is the policy of the State of Illinois in all public places, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 1695 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is

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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 39, the Nays are 10, 2 voting Present. House Bill 1695, having received the required constitutional majority, is declared passed. We will now return to Page 11, at the bottom of the page. The bottom of Page 11. House Bills on the Order of 3rd Reading is House Bill 2030. Senator Hall. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 2030.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I certainly want to add praise and thanks for the different people who have been working on this bill and...I want to say that, also, the Illinois Manufacturers' Association to be commended for the efforts they have put forth in development of this House Bill 2-0-3-0...the chairman of our Education Committee, Senator Berman, and the Members on the Education Committee and...however, the educational community has voiced serious objections to many of the provisions of this legislation. In its present form, the bill establishes a Department of Public Accountability within the State Board of Education. Two, it authorizes the State Board of Education to take into receivership school districts failing to achieve state-established learning objectives or to resolve financial difficulties. Three, create a business education partnership commission. Four, add significant important requirements for local districts and the State Board of Education, and five, expand provisions of the high-impact training

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service program. I cannot support this bill in its present form. However, a series of meetings with the State Board, Illinois Manufacturers' and educational associations have been coordinated by myself and Representative Breslin, and also the House...House leader Mautino,...sponsor, rather, are being coordinated to resolve concerns that have been expressed. Now, I'm going to ask for an Aye vote in order to return this bill to the House, and because I have been promised and assured by the House sponsor that this will go to a conference committee, where the objections of the education community will be worked out. So, therefore, I would ask that we send this bill back to the House, and...that they can work on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not...Senator Maitland, I'm sorry. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator Hall, you made a...a good statement when you suggested you couldn't support this bill. Nor should any other Member of this Body support this bill now or at any other time. I know that there have been negotiations going on for...for several weeks on...on this issue. Now, I don't want to fault the IMA for their attempt to address some problems that they see in education in Illinois. I don't know how many of you have read this bill, but I want to tell you something. If you ever...if you ever want to give up local control of school districts in this State, this bill does it, and I'm convinced that any attempt in the other Chamber, in conference committee or wherever else...that's not going to be done, because the sponsors of this bill feel strongly about it, and it is absolutely going to destroy local control as we know it in the State. Senator Hall, you mentioned the issue of receivership, and I would invite every Member of this Chamber to

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read this bill as...as I have done, and see what happens. We have in place now, in this State, an ability to address those problems. You may argue with those, and you may like to tighten those up a little bit, but to simply...simply say to a school district, "Because you haven't done this, going to close you down. It now is a...under the operation of the State Board," is absolutely wrong. I don't think a one of you in this Chamber want to see that happen. Right now, if we dissolve a school district, it's done with in a region, and there's an agreement between other school districts to take over that school. It's happened before. It can happen again. This bill totally ignores the efforts of Senator Berman and Senator Holmberg and...and myself and Senator Etheredge, and others that dealt with educational reform in 1985. We addressed these very problems, and the fact that we haven't funded that program has created some difficulty and I know that, but to suggest that this bill, which gives unbelievable control to other people, not even within the Department of...of Education...State Board of Education, is simply unacceptable to this speaker, and I am convinced that those who will deal in conference with this issue have one agenda, and that agenda is to be unbending or almost unbending on the component factors that are in this bill. Senator Hall, I am disappointed to rise in opposition to your bill. I once again commend the IMA for attempting to do what they thought was right, but I think the infusion of their plan into the process in Illinois is absolutely wrong, and I ask for a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. In...to follow up what...what Senator Maitland just said, and I am reading from the bill, and please, if you care about education at all, listen to what it says. This is

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the new language. "While the basic policies for education are determined by the State, such as the core curriculum, establishing academic and other standards for school districts, establishing standards for graduation from high school and entrance into State universities, and monitoring the outcomes of schools to determine competency and to meet other State standards" - that's what the State does now, under this bill. The management of the schools is left to the Boards of Education or local school councils to select and monitor local administrators and their staff, determine course requirements to meet the State...State specifications, select the textbooks to meet local needs, and provide for an orderly learning environment. Ladies and Gentlemen, with this bill, what we have done is change our entire school system. We no longer will have local boards making local decisions. We will have the State making the local...making those decisions, and the local boards will merely be the managers. If this is what you want, vote for the bill. I understand that IMA has worked very hard on this, but I think they are definitely on the wrong track. My school boards are elected to run my schools, not to manage State institutions. If you feel the same way, an Aye...a....a No vote is a good vote on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I am not rising to debate the points raised by Senator Fawell, nor from the...to the points raised by Senator Maitland. I am rising to explain the status of this bill and to indicate why I will vote for it, and why I think we all ought to vote for it. It is not often that we see a major business organization deeply involved in deliberations involving education. That's regrettable, but it's a fact, and today we have a bill which has come forth from the

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Illinois Manufacturers' Association, a major business organization in the State of Illinois. I have sat with their leadership in discussing some of the aspects of this bill that Senator Fawell and Senator Maitland referred to, and I want to share with my colleagues today that the people that have put this bill together are...have been very responsive to some of the criticisms that I, and educational organizations, have come forth regarding some of the provisions that are in this bill today. Later today, we are going to be asked to vote on a bill that not only increases taxes for individuals, but also increases taxes...income taxes for business, and I think, in order to be fair, we ought to include business in the deliberations of how that money that we are asking them to pay more, will be spent more on...one of the major undertakings of this State, and that is our educational system. I have no fears. I have no fears that the bill that will finally emerge in House Bill 2030 will be acceptable to both business and to the education community. We have been able to do it before. We did it in 1985 and I'm...confident that we'll be able to do it in 1989. I have found that they are not intransigent. I have found that they are not...their ideas are not carved in granite...that they are responsive and flexible. I salute them for that posture. I want to continue talking with this major business organization in the closing days of this Session. I am optimistic. I am not ready to close the door. I urge an Aye vote so that those discussions can be carried forward in a amicable, responsive, cooperative atmosphere. I'm going to vote Aye. I urge all of you to join me.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Hall, you wish to close?

SENATOR HALL:

I just want to say that I'm for ...for the...I am like you,

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Senator Maitland. I don't want to destroy the basic things of people here. I'm simply saying that I have the assurance, the House sponsor is here, people have worked tirelessly day in, day out, and I have been certainly assured this bill will definitely go to a conference committee, and we will continue to work on it. So with that, I'd ask your most favorable support of this bill.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall House Bill 2030 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 47, the Nays are 8, 2 voting Present. House Bill 2030, having received the required constitutional majority, is declared passed. At the bottom of Page 11, on the Order of House Bills 3rd Reading is House Bill 2045. Senator Keats. Senator Keats. Going once. Senator Keats. We'll turn to Page 12. Top -- Senator Geo-Karis, for what purpose do you seek recognition?

SENATOR GEO-KARIS:

Mr. President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR GEO-KARIS:

I was in the telephone booth, and when my seatmate tried to vote my switch, it didn't work, and I want to be recorded as Yes on House Bill 1695. The Illinois Clean Indoor Air Act.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The record will clarify your intent and/or record your intent. At the top of Page 12, on the Order of House Bills 3rd Reading. Senator Rock. Is Senator Rock here? All right. We'll move to House Bill 2059. On the Order of 3rd Reading. Senator Daley. Read the bill, please, Madam Secretary -- or Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Bill 2059.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. House Bill 2059 would require the testing of drivers -- of a driver involved in a death or injury-producing accident, in order to determine the alcohol or drug contents of his blood. It would authorize the Secretary of State to suspend for six months or to revoke the driving privileges of a driver who would refuse to submit to this test. There was an amendment and the amendment was drafted by the State's Attorney's Office to meet some objections raised by the Department of Public Health as well as the State Police, and it -- it involves that a driver involved in an accident shall be deemed to have given implied consent if probable cause exists to believe that that person was drinking. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield.

SENATOR RAICA:

Senator Daley, I just have a simple question. If -- if there was a motor vehicle accident whereas one vehicle struck another vehicle - let's just say it was a rear-end collision - would the driver that struck the front vehicle, and let's just say a patient was not visibly hurt, however, there could be a potential lawsuit

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as far as whiplash is concerned, and let's just say this patient wants to go to the hospital and be examined. In that situation, let's just say there was hardly any damage caused to that vehicle. Would the driver be ordered to take a drug test?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

My understanding, Senator, he would not. He would -- on Page 8 of the bill, it would be for any personal injury shall include any injury requiring immediately professional attention.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Raica.

SENATOR RAICA:

Maybe that's the loophole here. When you say immediately seek attention, anyone can call 911 and call for that ambulance to respond, and at that case it's immediate. There are a lot of false cases of whiplash in other cases that are reported from minor, minor fender-benders. I mean, would -- would -- in the situation that I just described, if there was a gentleman or a female rear-ended another car, there was no damage and the -- and the one patient in the lead car claimed to have some type of neck pain and an ambulance was called, could now the vehicle who struck the other vehicle be mandated to take a urine test?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, the officer would have to have reasonable cause that that person, car B that struck car A, had been under the influence of drugs or alcohol. That is what we - myself and Senator del Valle, who have -- who has been working with me on this bill - this is what we're aiming at. But, so the arresting officer has to have reasonable cause that that person has -- has been drinking or

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in under the influence of drugs.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Raica.

SENATOR RAICA:

What -- what this bill does now is make the police officer that's investigating the accident responsible for determining whether he's going to have a drug test on someone?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Yes, Senator.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you -- thank you, Mr. President. I've worked with you, Senator Daley, on -- on one amendment which you have adopted to this bill, and Senator Raica, the intention of that amendment was to make sure that that lead car that was not at fault at all in the accident, did not -- that the driver of that car did not have to have an automatic test. In others words, only cars and drivers who are at fault in some way, where there's an injury or a death, have to be tested. But I think you're correct, Senator Raica, and I think you're incorrect, Senator Daley, in -- in addressing Senator Raica's concern. His concern is over a question which had not, quite frankly, come to mind to myself in committee, whether or not there's an injury or not, and his complaint is that, as I understand it, that there can be phony injuries, as we all know can exist, and people who may want to take advantage of a fender-bender to claim all of a sudden some -- some neck pain or back pain and try and get a windfall out of this, and I would agree with Senator Raica, that in those kinds of situations where there's no apparent injury, that we should not be mandating tests

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when the officer does not otherwise have probable cause to believe that the at-fault driver is under the influence of alcohol or drugs. And as I understand your bill, the officer doesn't make that -- that determination, he only makes the determination whether there's been death or injury caused by the at-fault driver, and then automatically administers these tests. So I think if -- I understand this bill has been amended. It's basically a good bill, and you've addressed the -- all the other concerns that we would have, but I think Senator Raica raises a legitimate concern, and I think we ought to have your commitment that, with the House sponsor, that you would address the problem of -- of real injury, and not leave the loophole that Senator Raica has brought to our attention.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

Yeah. Mr. President, I apologize for standing this second time. It -- Senator Daley, you know, that's what I'm trying to say. I'm not -- I'm not saying that the driver or the individual who was injured has to take the drug test. That's not what I'm saying. I'm saying the driver that is at fault in this particular case, but you know, what could happen, too, is the driver that's in the lead car that's injured could have been the one that's at fault - he panicked, he hit the brakes, the one in the back hit him. My concern is that there's a lot of accidents that do occur that are very, very trivial accidents with no body damage to a vehicle and in that particular situation, I would hate to see an elderly individual or -- or put someone through the painful thing of putting them through the drug test, when the guy in the lead car is just trying to collect some insurance claims on -- on -- on -- for the accident. Secondly - and I would have to ask Senator Dudycz, being a police officer - is that I don't know - I mean if

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the law were written that if there was a fatal accident and -- and it was mandated that the -- the driver that caused the accident take the test, I would have no problem with that. It just seems that we put the police officer in a type of situation where he makes the determination, does he or does he not give a person a drug test. So I mean, I would probably go with Senator Hawkinson, if we agree to get this to some kind of conference committee and -- and iron this thing out, but I think a lot of people back home may -- may really shudder to see this one go on the books.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator Kelly.

SENATOR KELLY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Kelly.

SENATOR KELLY:

Senator Daley, I want to ask you, after this information becomes available and is taken, is this information going to be made available to the court and to the law enforcement agency?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Daley.

SENATOR DALEY:

Dick, did you say "the court"?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley. Senator Kelly.

SENATOR DALEY:

It would be -- yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR KELLY:

All right.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you. Well, I -- I know of a specific instance where I had some very close friends of mine - in fact sang at every one of my parties - the day after he did at one party, he and his wife were killed by four young people who were totally loaded on not only alcohol, but drugs. It got before the court. I didn't want to be totally involved in these type of matters, and what happened and what transpired, the -- the police force and the -- well the -- I was advised by the hospital of what just exactly -- contained in these individuals, and it was loaded. The judge -- none of this information got to the police; none of it got to the judge. The judge sentenced this young man with a hundred-dollar fine and left them go, after totally killing and wiping out two people. I think this bill is long overdue. My concern is what Senator Raica has said, and I think that if the initiator of the accident, the initiator has to go through this, then I think it's a fine bill, and -- but if -- if you have both people in the accident site, I think it's on some tender ground, and I would like to see this go to a conference committee also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. President. I am in full support of this bill. There have been a number of major accidents where individuals have been killed, and in my particular district, parents came to me after having lost their three-old-daughter, and to this day they're wondering whether that individual that killed their three-year-old daughter in this motor accident was intoxicated or on drugs. We need to be able to make that determination, and so I am in full support of this bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Daley may close.

SENATOR DALEY:

Yes. I -- this bill - myself and Senator del Valle, the main reason the -- this bill was introduced is because of -- we both have people who came to us who had family members who -- a death result in it, and they personally believe that the -- that individual was either on drugs -- on drugs. And Senator Raica, I will work with -- send this over to the House, and I will make it -- put it to a conference committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2-0-5-9 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 2059, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, if I could have your attention for a moment, please. Senator Brookins has a presentation to make, along with some special guests. Yesterday we passed Senate Resolution 456 -- Mr. Clerk -- I'm sorry. Mr. Secretary, do you have a copy of that resolution?

ACTING SECRETARY: (MR. HARRY)

Senator Resolution 456 offered by Senator Brookins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Would you read that, please.

ACTING SECRETARY: (MR. HARRY)

(Secretary reads Senate Resolution 456)

SENATOR BROOKINS:

Thank you, Mr. -- thank you, Mr. Clerk. I have on the Podium with me Alice Tregay, who is the Chairman of the Soul Children of Chicago, and Father Pfleger, who is their Chaplain and also was

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our Chaplain for the day. Also State Representative Morrow, who assisted me in bringing the Soul Children of Chicago here to Springfield today, and also the Director of the Soul Children, Walt Whitman. And with that, Walt, I'd like to present this resolution to you, and won't you say a word to us?

WALT WHITMAN:

(Remarks by Walt Whitman)

SENATOR BROOKINS:

Thank you, Walt. Let me say to -- let me say to you as he's getting in place there. These children are from the metropolitan area of Chicago, so they're from all over, from Glenwood, from Maywood, from Aurora and all over the metropolitan areas of Chicago, and they are all honor roll students. In fact, one of them in the gallery is the President of the Junior Class at Brother Rice, and I think Brother Rice has about five percent minority, so you know he must be somebody. Thank you.

END OF TAPE

TAPE 4

(Performance by the Soul Children of Chicago)

SENATOR BROOKINS:

Thank you, Soul Children of Chicago, and thank you, Walt Whitman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... Senator -- Senator Berman.

SENATOR BERMAN:

Before they -- before they retire, I would like the young lady

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in the first row there, the daughter of Senator Brookins, to raise her hand, and she deserves a special hand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

She's been trying to teach her father how to sing, but it just doesn't work. All right. Thank you very much. That's a good one.

Page 12. House Bill 2062. Senator DeAngelis. House Bills 3rd Reading is House Bill 2-0-6-2, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2062.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

WEIU and Channel 10 have both requested to record. Is leave granted? Leave granted. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 2062, when it first came over, allowed HMOs to permit up to ten percent of their physicians' services that are not in contract with the HMO to be contracted out. In other words, they would be set up almost in the same manner between the person who wants to do it and the HMO. As amended, however - there is a long amendment that was the work of some negotiations between the Department of Insurance and the HMOs. Two years ago, the HMO Maintenance Organization Act was amended - substantially amended. And it went through a two-year period in which there were some parts of it that had to be changed again. There was some dissatisfaction with some of the procedures. There was some inadequate financial reporting requirements. So the amendment is basically a -- an attempt to correct a lot of the things that were determined to either be wrong or were flawed, and some of these things are a method of establishing the net worth, rewriting the Act to be more into conformity with the National AIC Model HMO Act. The requirement that HMOs must report a liability

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for unpaid capitation fees, and just a whole bunch of other stuff, so I'd be happy to answer any questions. If not, I'd like to have your support on House...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion?

SENATOR DeANGELIS:

...2062.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator -- Senator Watson.

SENATOR WATSON:

I have to ask this question, and I'd like for the sponsor to yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates that he does not wish to yield, but...

SENATOR WATSON:

He will, anyway, huh?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes. All right. Senator Watson.

SENATOR WATSON:

Well. We've had a little bit of this conversation about this bill and how this legislation reflects House Bill 90, which is the pharmacists' bill, which in essence from what I see here, is a lot the same as what you're trying to do here for the physicians. Now, I'd like an explanation to that as to why ten percent of the physicians, ten percent of the dollars -- service of doctors not under contract will be covered under this provision, and you're so adamantly opposed to the other, which would allow the pharmacist. There is an explanation? I guess it's coming. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Watson, I am most pleased that you asked that

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question, sir. In fact, I would be happy, as I indicated to Senator Schuneman, to do the same thing for the pharmacists in this bill and if so, would you drop 90? You can answer that after I explain this. What this bill essentially does, it involves a contract separate from that. It involves copayments. In other words, there are people that are involved in HMOs that would rather, in some parts of their activities, visit other people than the HMO would allow. This allows the HMO and ten percent, whoa, they don't pay the same rate as they do. Your deal says you pay what this contract calls for, and then I pick out who I want to take care of. This is freedom of choice for the individual. Yours in freedom of choice for the pharmacists, and I'll be very happy to include pharmacy in this bill, if you'll drop House Bill 90. This is basically to allow the person to turn around and if he chooses as part of an HMO, he does not in fact, have the HMO pay for that. He -- it's a different arrangement. There's copayments and fees involved in it. In fact, that would be good for the pharmacists too, because I think in many instances when you say you're not competitive, a concept like this would allow you, because somebody likes you and wants to buy stuff from you, but they have to -- you have to charge the same price that the HMO requires to be paid. This would allow you to charge something different. If you wanted to be included in it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

What will this do to the cost to the HMO?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

It would only increase the cost to the individual, because you create a copayment where the individual pays the difference.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I brought this issue up a few days ago, and I -- and I think it's simply -- I think there is a comparison between what's being done here and what the pharmacists would like to do. Now, I understand it isn't exactly the same, Senator, but obviously those people who run HMOs realize that not all of the people they serve want to go only to the doctors that are in the pool that they've contracted with. Once in awhile they want to get services somewhere else, and the HMOs, on their own initiative, are allowing that to happen when that charge is for physician services. They're opposing having it happen when the services involve pharmaceuticals, and -- and -- you know, I think there's a -- I think there's a contradiction here that we ought to all be aware of, and I think it does have a bearing on the pharmacy bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR DeANGELIS:

Well. Senator Schuneman, I guess, if you could say that if you eat meat, pork is like beef, then you're right. But -- there is a very basic difference between this plan and what HB90 requests. This plan simply says, "this is a program you're enrolled in. If you don't like any part of it, yes, you may go out and get the other part of it from somebody else, but you pay for it, or pay for part of it." That's what that says, and that in fact is freedom of choice. Under the HB90, which we'll argue later on, that's not exactly what it says.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, the Gentleman was closing. Senator Schuneman.

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SENATOR SCHUNEMAN:

...closing? Well, just -- just one point. You know, I think the essence of what you're trying to do is give some freedom of choice to the person served by HMOs. I'm going to support your bill. I think that's a good idea, but that's also the reason I'm supporting House Bill 90.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis, you may now close.

SENATOR DeANGELIS:

Okay. And if you wish to include pharmacies in this bill, I'll be more that happy to let you do it, as I indicated yesterday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, - House Bill 2-0-6-2 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2-0-6-2, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 2-0-7-9, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2079.

(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Could I have leave to come back to this bill? Could I have leave to get back to it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is leave granted? Leave is granted. Take it out

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of the record. 2117. Senator Savickas. 2123's on the Recall List. 2183. Senator Topinka. Senator Topinka on the Floor? 2196. Senator Schuneman. Let's get -- House Bills 3rd Reading is House Bill 2183, Mr. Secretary. Read the bill. I beg your pardon. Senator Topinka, for what purpose do you arise? All right. Take it out of the record. 2196. Senator Zito. House Bills 3rd Reading is House Bill 2196, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2196.

(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. House Bill 2196 is the final product of a multitude of negotiations between the Department of Insurance and Representatives of the Mortgage Loan Banking Industry and the -- Mortgage Insurance Business. Yesterday this bill was on Recall, we adopted this agreed amendment. It took, as I said, an extensive amount of work. The amendment, and now the bill, is -- is quite long, and I would hesitate to -- to save time to explain all the provisions. I can tell you that this is an agreement, and I would appreciate an affirmative vote on House Bill 2196.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator -- Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. For those on this side of the aisle, I want to echo what Senator Zito has just said. He's worked long and hard on this matter, and it's been a hard one to work out, but the Department of Insurance, the Mortgage Bankers and everybody seems to be on board, and I would urge support.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2196 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 2196, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill -- 2201, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2201.

(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. House Bill 2201 provides that construction site permits shall not be required for construction of a land form within Chicago, with clean construction or demolition debris generated within the municipality. We amended this bill the other day to provide that it would not be required for a corporation under the -- Not-For-Profit Corporation Act and the burn can only be fifty feet or less in height, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2201 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 2201, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 2262, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Bill 2262.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, this amends the Juvenile Court Act to include in the definition of a "neglected minor," any newborn infant whose blood or urine contains a controlled substance. It is a cocaine baby bill. This would -- statutorily define this condition as "neglect," therefore it would allow DCFS to be authorized, before a child leaves the hospital, to intervene in the family situation to protect the child and refer to the parents for treatment. It is a bill that has been put together by DuPage County State's Attorney Jim Ryan. I know of no opposition. I would seek your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 2262 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 2262, having received the required constitutional majority, is declared passed. 2275, 2310 and 2321 are on the Recall List. Page 13. Top of Page 13 is Senator Berman. 2328. 2334. Senator Tom Dunn. House Bills 3rd Reading is House Bill 2334, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2334.

(Secretary reads title of bill)

3rd Reading of the bill

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. The main portion of this bill will provide that a bail bond posted by a defendant in one case may be used to satisfy his financial obligation in a different case. The amended portion of this bill passed yesterday, and what it does is to require the judge who sets the bail to find that the accused will not possess a threat to the public and will comply with all the conditions of his bond, before being released on his own recognizance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 2334 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 -- 2334, having received the required constitutional majority, is declared passed. 2374. Senator Welch. 2383. Senator Jacobs. 2421. Senator Luft. Senator Luft on the Floor? 2421. Senator Luft. On the Order of House Bills 3rd Reading is House Bill 2421, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2421.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. This is a vehicle bill, and it simply strikes out the language or any other specific authorization in this Act. I think I can tell you what it will be

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used for. We passed a bill, Senate Bill 257, out of this Body, dealing with the financing of downstate jails, and I believe at that point we left out a mechanism within which to finance refinancing through the Illinois Development Finance Authority. I would ask you to respect the wish to pass this on for a conference committee at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 2421 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 2 voting Present. House Bill 2421, having received the required constitutional majority, is declared passed. 2431. Senator Zito. 2491. Senator Brookins. Senator Brookins on the Floor? 2513 and 2514 are on the Recall List. 2515. On the Order of House Bills 3rd Reading is House Bill -- beg your pardon. Senator D'Arco.

SENATOR D'ARCO:

No, I want to recommit 2515 to the appropriate committee. It would be Revenue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator D'Arco moves to recommit House Bill 2515 to the Committee on Revenue. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. House Bill 2515 has been recommitted to the Committee on Revenue, and Senator Netsch will study it for the summer, I'm sure. All right. 2516. Senator D'Arco. On the Order of House Bills 3rd Reading is House Bill 2516, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2516.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. 2516 requires a lien -- lienholder to provide the condominium association with mailing addresses for the lienholder. It also provides that in a condemnation proceeding, the lienholder does not have to sue each individual condominium owner, but rather the association, as a defendant in an eminent domain proceeding. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2516 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 2516, having received the required constitutional majority, is declared passed. 2517's on the Recall List. 2520. Senator Luft. On the Order of House Bills 3rd Reading is House Bill 2520, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2520.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 2520 was amended at the request of the Lieutenant Governor, to establish his Rural Bond Bank. Not only does it create the Rural Bond Bank, which is designed to assist rural -- communities in financing the respective public improvements. It also sets up a board. It states how the loan should be governed and states support in case

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the bonds fail. Sets up different powers for the banks. There has to be a bond cap and reports, reserves and provisions for a default. I would try to answer any questions. If not, I would ask for a favorable vote on House Bill 2520.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 2520 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 2520, having received the required constitutional majority, is declared passed. 2570. Senator Zito. Page 14. 2574. Senator Welch. On the Order of House Bills 3rd Reading, top of Page 14, is House Bill 2574, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2574.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is require that local tipping fees, which were approved in Senate Bill 1616 last year, are going to be kept in a separate fund. An amendment was placed on the bill requiring the units of local government - such as your counties who are over one hundred thousand in population - create that separate fund and report on its balance and spending plans. The reason for this bill is that there was a county who put some funds in a fund, then starting using them for tourism and other expenses unrelated to the implementation of the Solid Waste Management Act. The amendment was added by Senator Schaffer. I

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would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

A very technical question on the bill. This applies to the State fund only? This does not in any way involve the voluntary contributions that would flow back and forth between the operator and the municipality or the county does it. It's strictly the State mandated funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, it -- it's just a local tipping fee, so unless what you're calling a donation is in the nature of a voluntary tipping fee, then it would not be included.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

There are some very generous public-spirited individuals who do have voluntary local tipping fees attached, of which you may be taking out of the hands of those people who it was meant for, and it is not at all related to the State service.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

No. This -- this was taken care of in the bill last year. This is the fee that's required to go into this fund. What happened is when the fee went into the fund, it was then taken out and used for something unrelated to the purpose of the fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

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I think you answered the question, 'cause I didn't have a copy of the bill. I only had the analysis. The fee required, nothing optional, the required, which is a State fee. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I noticed, according to our analysis, that this is involving a dispute that's between my county and a county you do not represent, the County of Cook. Now, I gather that -- that's what our analysis says.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, let me explain, Senator. That was the bill that we passed last year that took care of that dispute. That was Senator Bill 1616, and that was a negotiated settlement that your county - I guess you're DuPage - Kane County and Cook County all agreed to. That -- that's not right. This is something different. This involves the spending of the money that was part of that agreement. What happened was, a county that isn't yours, was taking that money and not spending it for purposes of -- of that plan as we originally intended, and this is clarifying that the tipping fees only are used for those plans engendered in that bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

So you are not restricting the county from spending the money as they see fit or -- or was that in the original agreement?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

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That's absolutely the intention of this bill. There was a county spending this for tourism, and these are tipping fees meant to implement a plan to take care of the garbage in your county, and that's why we're doing it. That's the -- absolutely the intention. We thought we did that last year in 1616, and apparently one of the counties thought that that wasn't the intent, and they spent the money on a different -- different project.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Which county?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpel. Question is, shall House Bill 2574 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 2, 1 voting Present. House Bill 2574, having received the required constitutional majority, is declared passed. 2576. Senator Schaffer. House Bill 2592. Senator Kelly. On the Order of House Bills 3rd Reading is House Bill 2592, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2592.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yes, Mr. President and Members of the Senate. This is a bill that requires the vehicles of second class division vehicles to be -- have their name displayed on the side. There was a question

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raised by Senator Alexander about it, potentially applying to church buses, and it specifically says in here that these are for commercial purposes only, so it would not apply in that case, and I believe that -- I hope that answers the Senator's question, but I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator -- Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR SCHUNEMAN:

Senator, what are vehicles of the second division?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

They are vehicles that are designed to carry more than ten persons.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman. Senator Kelly, you want to repeat that, please? Senator Kelly.

SENATOR KELLY:

Yes. My response is that they are the size that would be able to carry at least ten or more persons.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Schuneman.

SENATOR SCHUNEMAN:

Am I to understand then that they are only passenger vehicles? It was -- I was under the impression that -- that vehicles of the second division were, in fact, commercial trucks. Is that -- is that wrong?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Kelly.

SENATOR KELLY:

It -- you're definitely one hundred percent right. These are trucks, and I got some information here, but what we're talking about is a truck, a delivery truck, and it has to have the name of the side of the vehicle. If you recall, there was some concern raised by some of the major retailers going into certain areas throughout the State with unmarked trucks, and it would apply to them, and that's -- there is opposition from that particular group.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, you know, there are thousands of -- I don't know whether farm trucks are in this class or not, but there're thousands of farm trucks running around the State without the names on the side. We used to require this, years ago. All pickups and other trucks had to have the name put on the side of the truck or they wouldn't be tested. The State did away with that, and I'm just curious to know why we're doing it now. It seems to me that, you know, lettering a truck is not an inexpensive things to do, and -- and I don't really know any reason why we need to do this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Well, in the Statute it does indicate that these vehicles would -- are designed for pulling or carrying freight or cargo. To me this would be a commercial delivery and not affecting the farm trucks, and if there is a problem with it, we have an amendment -- I'm -- I will -- I know that the -- that is not the intent of this -- of the House sponsor, and I'm sure that if we -- if it is a problem, it would be corrected, and we would ask for a

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conference report -- committee on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, my -- concern is not only farm trucks. It seems to me, there are a lot of small tradesmen, carpenters, plumbers - lots and lots of people use pickup trucks and the next size larger truck for a lot of different purposes, and, you know, I -- might have a concern about that, too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. In response to Senator Schuneman. I went over and spoke with the House sponsor concerning this bill, because I had an interest in my church bus and mini vans. And in so addressing this subject matter with him, the question that you raised, "Why the lettering?" he explained that to me - that there are many small mini vans and trucks and service area persons, plumbers, contractors, bricklayers, going around in unmarked cars and vans prying and working the senior citizen people. They'll drive up and say, "I'm going to repair your sidewalk. I'm going to repair your furnace. I'm going to repair your plumbing," and these seniors had been paying monies to these persons, and didn't know where they originated from and who they were by name, and were really getting bilked by these kind of unscrupulous persons. So the intent of the sponsor, as I learned from the House sponsor, was to get at that segment of persons who would be doing that kind of activity, for the lettering on the side.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Yes. I might clear this up a little bit for Senator Schuneman.

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A division two truck is something larger than a single axle, a farm truck or pickups or anything like that. When a driver is required to have a D license, it's like ten-wheelers and eighteen-wheelers and stuff all that size is what a division two truck is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Just to correct one information that Senator Kelly gave Senator Schuneman. There's no amendment on this bill, and if it passes here today, it's going to go to the Governor's desk. There's no conference committee opportunity -- someone finds a fault with it. I voted against this in committee, and I expect to vote against it today, and I urge the rest of you to do the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator -- Senator Kelly.

SENATOR KELLY:

I -- I just apologize to my colleagues. I did indicate that there was an amendment, and there was a House, but not -- not in the Senate. There has not been. It would be final consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We have one further speaker, Senator Kelly, before you close. Senator Dudycz.

SENATOR DUDYCYZ:

Well, Mr. President, I -- I see nothing wrong with this legislation. I know that in -- in Chicago we have commercial vehicles that drive through the city streets and those that are not marked, I think that it's a good idea that they should be marked. It would not only help the law enforcement community in identifying potential problems with vehicles that are involved in burglaries or other -- other incidents, but I think it's good for the community to know who is driving or what company is driving

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through the neighborhoods, and I support Senator Kelly's bill, and I think we all should.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- further discussion? Senator Kelly may close. Oh, I beg your pardon. Further discussion? Senator Jerome Joyce.

SENATOR J.J. JOYCE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Joyce.

SENATOR J.J. JOYCE:

If -- on my farm, if I have a farm pickup truck and my son decides to haul a load of sweet corn to town and sell it on the corner, would he have to -- would the name have to be on that pickup truck?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Well, I guess -- I guess I have to give you what I think is not the intent, but it looks to me like if it says commercial, and if he's using it for commercial purposes and it's a class, you know, second division vehicle, then he would have to have it -- it'd have to have the name on there of Senator Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

That's enough.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly may close.

SENATOR KELLY:

I think you know the issue very well. I would appreciate your support.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2592 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Last time. Take the record. On that question, the Ayes are 26, the Nays are 26, 3 voting Present. House Bill 2592, having failed to received the required constitutional majority, is declared lost. 2737. Senator Davidson. House Bills 3rd Reading is House Bill 2737, Madam Secretary.

SECRETARY HAWKER:

House Bill 2737.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this contains the amendments we put on yesterday, which was an agreement between Department of Insurance and the life insurance industry in Illinois, and it says that the companies who issue life insurance policies that pay long-term benefits provide the policyholder a description of long-term care benefits, and how they will affect the death benefits. The policy has a Long-term Care Task Force reporting by June 30th, 1990. The second amendment was at request from the Illinois insurance industry which the Department concurs with. Under the old law, which hasn't been changed since 1980, any salaries in -- excess of forty thousand must be voted on by the board of directors of the company. That raises it to a hundred thousand, and the Department supports that. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? Discussion? If not, the question is, shall House Bill 2737 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 2737, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 2739, Madam Secretary.

SECRETARY HAWKER:

House Bill 2739.

(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 2739, as amended, creates a Statewide one-call system, call before you dig. It compels all owners of underground utilities to join. It does not affect Chicago. It's a one-call system, and there are just numerous problems around the State with respect to -- to digging and digging into utilities, electrical and gas, et cetera. It is a proposal that's been worked on long and hard by Representative Wennlund in the House. In committee, the Municipal League did speak initially against the bill. The four reasons that they opposed the bill clearly were not a part of the bill, and we indicated as much to them in committee. I -- I quite frankly don't know what their position is at this point. I would suggest if those were the only reasons that they opposed it, they would at least be -- be neutral, but I've not heard from them. I'm prepared to answer any questions that anyone might have, otherwise would appreciate an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator, in this bill I recall a provision that allowed a -- took away the authority of a home rule unit to set cable rates, I believe it was. What does the bill say about the authority of -- of cable companies to come in through a municipality, lay their cable, make requirements of the city? What did you do about that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Municipalities determine that on their own, and we put an amendment on yesterday that addressed the home rule issue, and -- and everyone is satisfied with that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rea.

SENATOR REA:

Mr. President, question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rea.

SENATOR REA:

Senator, does this exclude the coal mining operations that are presently regulated under the Federal Surface Mining Control and Reclamation Act of 1977, which the Illinois Department of Mines and Minerals is administering?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator, it does not -- it does not apply to anyone that digs

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on -- on their own property. It simply does not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

But what about coal mining operations that may not be digging on their own property, whether it's a surface mine or whatever the case may be. Isn't this a duplication of -- wouldn't this be a duplication of effort?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rea.

SENATOR REA:

It -- Senator, the -- the least coal mining surface mine area would be treated the same as -- as ownership. They're treated the same.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel.

SENATOR O'DANIEL:

Yes. Thank -- thank you, Mr. President and Members of the Senate. I rise in opposition to this bill. I had an amendment the other day to exempt the coal industry, and as of -- as of yesterday -- last evening when I talked with them, they still aren't happy with this -- with this legislation. They are regulated by the Mines and Minerals, and they feel that they -- this will be a duplication of service, and they aren't a bit satisfied with the -- being included in this, and they feel that they are still included in this legislation, and for that reason, I oppose the legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Well, just in response to the previous speaker. Senator O'Daniel, for two days I have asked you to offer the amendment

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that you have to address that issue. You and I both know that. Now - now, I -- if the coal industry -- if the coal industry has a problem with that, we think they're taken care of. You have some clarifying language. I've talked with the Coal Association. I've almost begged you to - look at me, Senator O'Daniel. I've almost begged you to offer that amendment and you -- and you've not done it. Now, why? °

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel.

SENATOR O'DANIEL:

Senator Maitland, I'm looking at you and you be honest. You know, for two days I've tried to get you to -- and I can verify this by Senator Rock. We sat over there and talked about the amendment, the House sponsor was here, he said he didn't want any amendment on the bill because he didn't want it going back to the House. Okay. Today you came over to me and said, "Okay, let's -- let's put the amendment on," but it's pretty late now to put on the amendment. So, that's where we are with this, and you know it and I know it too.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Maitland.

SENATOR MAITLAND:

Well, the other day, when we first started talking about this, we didn't want the bill to go back. There was a need for a technical amendment. You and I discussed this. We said we would accommodate your concern on the other bill if you'd let it go back. Yesterday and today, I agreed that since the bill had to go back anyway, we would accommodate your concern, and that's -- that's what was said. You and I both know that.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator O'Daniel.

SENATOR O'DANIEL:

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We don't need to stand up here and argue all day, but you told me that you didn't have any control over the bill - it was a House Member's bill and you were going to do what he wanted to do.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just rise in strong support of this legislation. I -- I think it's good. I don't think -- I think some of the concerns that are being raised are a little bit reaching, and I just urge an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 2739 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 7 Nays, none voting Present, and House Bill 2739, having received the required constitutional majority, is hereby declared passed. 2756. Senator Jones. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2756.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. House Bill 2756 is merely a vehicle bill to be used if necessary to deal with educational issues, and that's all it's going to be, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 2756 pass. Those

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in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 8 Nays, 2 voting Present, and House Bill 2756, having received the required constitutional majority, is hereby declared passed. 2757. Senator Jones. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2757.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

It is the same for House Bill 2757. It is a vehicle bill to be used by the Housing Authority if they need be, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Jones, this is obviously a vehicle, as the last bill was. What is the -- what do you think is going to be put on this?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

At this time, nothing. I have no idea, and the -- we passed the one bill by Senator Brookins and they say if we need another bill, we want to have one on line, but I will get back to you if they come to me. Right now, nothing.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 2757 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 22 Nays, 3 voting Present, and House Bill 2757, having received the required constitutional majority, is hereby declared passed. 2790. Senator Welch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2790.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill is intending to do is to allow for the State Environmental Protection Agency to enter into settlements agreements -- settlement agreements with de minimis parties to an administrative -- or civil action to recover response costs. Translated into English, what that means is that in cases such as the Lenz Oil case, where every contributor to the problem is involved, for those who are very small contributors, like one -- like fifteen-hundredths of a percent, in some instances, in that case the department could determine that their contribution was de minimis, basically, was minimal, and they could let them out of the responsibility for paying. This was the House's version of -- of resolving the Lenz Oil case. An amendment to the bill, which was added this week, amends the Responsible Properties Transfer Act concerning the holders of security interests in real estate. And the purpose of this amendment is to include your trust agreements so that your transfers of beneficial interest would not trigger a filing of a -- of a statement required under the Responsible Properties Transfers Act. Now, it's been stated to me that there has been an agreement on that portion of the bill amongst the Realtors, the

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bankers, the business community. And that's the way it's been represented to me. And that's why I'm presenting this part of this bill. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall 2790 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 2790, having received the required constitutional majority, is hereby declared passed. 2805. Senator Daley. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2805.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. House Bill 2805 would amend the Municipal Code. It would provide that municipal lien notice and enforcement procedures may -- may be the same as those under the Realtors Occupation Act, and the recorder or register of title is to treat the lien as a State tax lien for recording purposes. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any questions? If not, the question is, shall House Bill 2805 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present, and House Bill 2805, having received the required constitutional majority, is hereby declared

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passed. Ladies and Gentlemen, we are going -- we will return to the beginning of the Order on 3rd Reading, which is on Page 5. We will start from the beginning and proceed through the entire Order, so if you miss it, you're in really bad luck. House Bill 18. Senator Marovitz. He's -- he's in bad shape. How about House Bill 34? Senator Jones. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill...

PRESIDING OFFICER: (SENATOR D'ARCO)

Read the -- read the bill.

SECRETARY HAWKER:

House Bill 34.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Yes, Mr. President. I was trying to get your attention. I'd like to have leave of the Body to come back to this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

We'll think about it. House Bill -- House Bill 43. Senator Topinka. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 43.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. Chairman -- I'm sorry, Mr. President and Ladies and Gentlemen of the Senate. This amends an Act authorizing townships to acquire lands for parks and golf courses, and it is a Township

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Officials of Illinois bill to bring the township Statutes in line with those of other local governments. We did amend it to make sure that those properties of this nature that were owned by a church or any organization not-for-profit would be exempted from this. I know of no opposition.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 43 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 1 Nay, none voting Present, and House Bill 43, having received the required constitutional majority, is hereby declared passed. 72. Senate -- House Bill 90. Yeah. Yeah. Yeah. How about 72? Which bill you want called, Senator Marovitz? You want 72 called? 18. No. Come on. You want 72 called? House Bill 72.

SECRETARY HAWKER:

House Bill 72.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 72 requires copies of the ordinance adopting the RTA's five-year program to be filed with the Governor, the State Comptroller, the General Assembly Leadership, Mayor of the City of Chicago and Chairman of each County Board within the RTA regions and each board member. Also, the effective date has been changed. I believe it's effective January 1st. I'm sorry. It's immediate -- it's an immediate effective date.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 72 pass. Those in

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favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 12 Nays, 3 voting Present, and House Bill 72, having received the required constitutional majority, is hereby declared passed. House Bill 90. Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 90.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 90 is the Pharmacists' Freedom of Choice Bill. I will say this. This is the deadline day. We have debated this bill many, many times on 2nd Reading -- amendments. I think everybody has a pretty good idea what this bill does. It is in the proper posture, now. It is a bill to allow independent pharmacists across the State of Illinois the opportunity to be part of a contract with the -- it's -- it's an opportunity for pharmacists to remain in business, and compete, on an equal basis, on a level playing field, with those few large chains that seem to be getting exclusive contracts, and the only ones getting contracts in the State of Illinois. There is a sunset clause in this legislation -- a two-year sunset clause in the legislation. So if, as some people claim, and as has not been borne out by any evidence anywhere, there is any cost increase, the sunset clause will plug in and after two years the bill will no longer be in effect. Some people say, "Senior citizens don't want this bill." That's not what I'm hearing. What I'm hearing from my constituents is that they don't want to have to get on a bus, or take a cab, or, in

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Chicago, get on the CTA, and travel across the City or to different parts of the City, to go to one particular place. They'd like to go to their independent pharmacy. I'm glad to close, and just ask for your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Just real quick. There -- there was a lot of attempts to put amendments on this, which, I think, were good amendments, and would have put it in a posture that -- where I could have voted for it. But under the circumstances, I think that -- there has not been good movement on this bill. I know that the UAW is violently opposed, and I know that their retirees, as a group, are opposed to this. And I urge a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. And yes, there has been considerable debate. This bill is going to fly out of here like air through a sheet. But, there's two things that I would like to comment. One, I would like the record to reflect that there -- I have in my possession a letter from the FTC that calls this program "anti-competitive and detrimental to the consumer." And I would like the record to reflect that, based on House Bill 90. All right? The second thing, and I have -- Senator Watson has a copy of this letter. I've showed it to him. And the second thing, I just want to call your attention to one thing. If anybody believes that this bill is going to reduce costs, they're absolutely wrong. In fact, the evidence that the program is going to cost money is by the very amendment that was put on by the sponsor of the bill. Let me tell you, just read the body of the bill. This is not a freedom of choice bill, folks. This is a bill, freedom for

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pharmacies to choose who they elect to serve, after someone has contracted with the group in toto. And in most instances, those subscriptions are done on a capitation basis. That means a fee to take care of all the pharmaceutical needs of a particular household. That -- by -- by disrupting that kind of structure, we're going to either have just one person bidding, and then everybody cherry pickin' it apart, or we're going to have the kind of bidding that is not going to be helpful to the consumer. I am grieved - I have to get this off my chest, because this thing has turned into somewhat of a personal debate - I am grieved that the head of this association died an untimely death in the last couple of days, and brought somewhat of an emotional situation to this particular debate. I also have been a businessman all my life, and a small businessman. And I would never be -- ever be on record to turn around and oppose small business. But this bill has been said it's for pharmacists. It is not for pharmacists. It is for drugstore owners who happen to be pharmacists, at some instances. The fact of the matter is that these people, in my estimation, can survive as well, and better, on their own than -- than coming down to Springfield to ask us for their help. Because it grieves me to see that a business of entrepreneurs - and they are entrepreneurs - self-driven people, come down here and say, "Gee, would you, in fact, be the one that saves my business," 'cause I don't think their business is in danger. I think if we were to embark on this kind of program, you will see countless other groups come to us for the same type of protection. And I don't think that we can afford that in the economy of the State of Illinois. I -- Senator Watson, I salute you, because I know you're going to win.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Raica.

SENATOR RAICA:

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

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Senate. This has been brought before us a couple of times this last week and probably last week. A few people said that it was the big guys against the little guys. Little guys trying to survive. You know when you -- what we tried to do when we got the amendments off is put the bill in the original form, and give pharmacists the opportunity to at least have a -- some kind of role in a process that they've been excluded from. That's all we're asking here. I -- I just talked to Senator Alexander. You know, we have a lot of small pharmacies in our district. And they're able to deliver products to our people, to a lot of our senior citizens; they don't have to take the bus to get it. And Senator DeAngelis stands up and says - well, you know, he's really shocked or appalled, you know, its -- a business would come and ask us -- there's people coming here and asking us for help for everything. But to blackball these guys and just say their pharmacists are in it, they're -- they're people that are asking us for help, we're trying to help them out a little bit, give them a little -- an open-door policy, and allow them the -- the opportunity to go in and -- and -- and at least get a contract. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. First of all, just to express a conflict of interest, obviously. I am a pharmacist. I'm quite concerned about my profession. I'm quite concerned about the -- the retail part of my profession. I am a retail pharmacist, and this legislation is -- has an impact on that, as you obviously are aware of. You've seen pharmacists. You've heard from pharmacists in your district who are concerned about this legislation, because they're concerned about their profession and their future. It's obvious that this is going to have an impact on my business and my

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profession. And it is a conflict of interest, but I'm going to vote my conscience. Another provision, I think, that we ought to -- if this is so bad, it's got two-year sunset -- remember that -- there's a two-year sunset in here, so if this is going to increase costs to the point where it's prohibitive, then in two years we'll address this issue again. But I don't think it's going to have that kind of an impact, personally. But if it does, it's got that -- that protection for you. And I'd appreciate the -- your favorable support. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Just one brief comment. I would like to make comment on a former speaker who said that the pharmacists are coming down here asking us to bail them out or help them out. I would like to say that one of the pharmacists that I respect the most has had a resolution passed in this Body, because he and his family have run his pharmacy for one hundred years. And I don't think they're asking for anything more than a fair chance to do business as they have done for one hundred years in Illinois. And I am in strong support of this legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 90 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 36 Ayes -- I'm sorry -- I'm sorry. Take a new roll call. Let's have a new roll call. ...A lot of people didn't vote on it? No. Take another roll call. Take another roll call. Can we dump -- dump the roll call, Madam Secretary. What? All right. Okay. All right. All right. The question is, -- Hello -- All right. The question is, shall House Bill 90 pass. Those in favor, vote Aye. Those opposed,

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vote Nay. The voting is open. Have all voted who wished? Take the record. On that question, there are 44 Ayes, 12 Nays, 1 voting Present. And House Bill 90, having received the required constitutional majority, is hereby declared passed. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

Yes.

SENATOR DeANGELIS:

I have no problem with people wanting to be recorded on that, but, you know, you have started a precedent, right now, that's going to persist forever. I personally, myself, have been caught on at least forty roll calls in this Session that which I did not get recorded. Now all of a sudden, we have one roll call and it passed overwhelmingly, so it didn't need another vote. But to go ahead and do that, you've created a precedent. And I'll tell you, we're going to pay for this one.

PRESIDING OFFICER: (SENATOR D'ARCO)

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

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I move to -- having voted on the prevailing side, I move to reconsider the vote. Yes. Move to Table -- move to Table.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator -- Senator Geo-Karis moves to reconsider the vote. The vote is reconsidered. Senator Raica moves to Table that Motion. The Motion to Table carries. All right. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Thank you. Just a -- a word of request based on Senator

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DeAngelis' complaint. The roll calls are going awfully fast, and particularly, with these new switches. Sometimes by the time you reach over and hit the button, it's too late, and it simply does not record. So please, give us, you know, more than two and a half seconds to vote on every bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Okay. House Bill 1-1-3. Senator Daley. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 113.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. I believe that in House Bill 113, after talking to the House sponsor as well as the minority leader, that the best thing that could happen to this bill would be a conference committee.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Weaver.

SENATOR WEAVER:

Just as long as that's the agreement, why we have no objection.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 1-1-3 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 10 Nays, 3 voting Present. And House Bill 113, having received the required constitutional majority, is hereby declared passed. House Bill 158. Senator O'Daniel. House Bill 187. Senator

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Geo-Karis. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 187.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. House Bill 187 simply transfers property from the Department of Transportation to the Department of Commerce and Community Affairs. This involves the City of North Chicago where they've had a lot of distressed areas, and this could possibly lead to an industrial park and a thousand jobs. I move its favorable consideration.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 187 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present, and House Bill 187, having received the required constitutional majority, is hereby declared passed. House Bill 257. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 257.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is a bill for regulation of

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landscape architects. It provides for title protection only. There -- it has been amended with increased fees and regulatory procedures by the department. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall House Bill 257 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 56 Ayes, 3 Nays, none voting Present, and House Bill 257, having received the required constitutional majority, is hereby declared passed. House Bill 304. Senator Topinka. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 304.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, about a half an hour ago we voted positively on the companion piece to House Bill 304. This is another bill that was suggested to us by DuPage County State's Attorney Jim Ryan, which came out of his commission in terms of studying cocaine babies. This now, would define a child who is born with a controlled substance in his blood under the definition of "neglect," and therefore allow DCFS to enter into this and -- and provide some assistance. To my knowledge, there is no opposition.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

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PRESIDING OFFICER: (SENATOR D'ARCO)

She indicates she will yield.

SENATOR HAWKINSON:

Senator, that's exactly how you described the -- the bill we passed a half an hour ago. Does this one do -- is this one in any way different?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

Yes, I may have slipped up, but one is abuse and one is neglect, and they -- they come together and really probably could have been one bill somewhere down the line, but they arrived in two.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hawkinson.

SENATOR HAWKINSON:

Well, what's the purpose, if a baby is born as a cocaine baby, I can understand why we would want DCFS to intervene, but -- but which way do they prefer, under the abused Act or neglect? Why do we need both?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

They would wish both, and the reason being is so that it allows them to intervene and to provide DCFS some access to the family in order to be able to help them through whatever crisis they have, and considering the large numbers of these babies, as I made mention, it did come out of DuPage County State's Attorney Jim Ryan's commission on this, where he did take testimony, and this was the result.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

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SENATOR FAWELL:

Thank you very much. I was on Jim Ryan's commission when we discussed this. It was -- it did start out as two bills for the simple reason they were afraid something might happen to one of the bills. DCFS does want both, so that they can get the -- take care of the child under whatever Statute is necessary. It's a good bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 304 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present, and House Bill 304, having received the required constitutional majority, is hereby declared passed. House Bill 365. Senator Joyce. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 365.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This -- this bill allows a forest preserve district to -- well, territory within the limits of a forest preserve district and exactly coterminous with the boundaries of a county of a population fewer than a hundred and twenty-five thousand. What it is, is Kankakee County. Recently residents of that -- Bourbonnais Township passed, on the same ballot, the creation of a park district and a forest preserve district. Both have property taxing powers, and they were -- they were formed for the purpose of preserving the Perry Farm that was in the hands of the Department of Conservation. This bill would

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permit, by a frontdoor referendum, the disconnection of either the Bourbonnias Township or a municipality within the district. That explains one part of the bill. My friend, Senator Maitland, is generating a lot of paper with the other part of the bill. It has to do with taxing -- why don't you explain it, Senator Maitland?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. The -- the amendment that Senator Joyce is alluding to is one that affects both Senator Weaver and -- and me, and it deals with the forest preserve in Champaign County and it is a tremendously watered-down version of the bill that we originally introduced. This would simply say that if the forest preserve commissioners choose to go into the bond market, that they have to have the approval of the county board. The original bill, of course, was much more detailed than that. This is a very, very minor component. I think their opposition is -- is too strong for what it does, and I support Senator Joyce's bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to arise in opposition to the amendment. Senator Joyce's bill I have no quarrel with, but it was the amendment that was added that I -- that I do disagree with. And the reason I disagree with it is that we seem to have a rush here to take away power from forest preserve districts throughout the State of Illinois. I can understand this happening up in the suburban areas around Chicago, where you have so much expansion. I don't understand why we want to do this in Champaign County. This particular amendment, and the bill itself, is now opposed by the forest preserve district, other

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forest preserve districts in the State, the forest preserve district of Champaign County itself, the Illinois Association of Park Districts, the Illinois Environmental Council, the Audubon -- Society, the Sierra Club, the Isaac Walton League, the League of Women Voters, and members of the -- well, I don't know if the members of the Champaign County Board oppose it, but that's what it says here, so perhaps it is true -- as well as the residents of Champaign County itself. It just seems to me that maybe we should have some forest preserve districts around the State before they're all gone. In Champaign County you're got a very beautiful one and -- at Lake of the Woods that I -- in fact, I used to live in Champaign County, and that's why I'm interested in this. I used to go out to that forest preserve many, many times. And it doesn't make sense to me to keep restricting the authority of forest preserve districts to acquire more land. What's happening here is you've got a forest preserve district that has been very prudent. They are -- have never gone beyond the bonding authority of 1. -- one million five hundred and ninety-eight thousand dollars, which happened in 1976. I don't know of any allegations of mismanagement. It just seems to me that we're in a rush to take away forest preserve district authority, and it seems to me that we should stop and think about it, and perhaps we should vote against this. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

END OF TAPE

TAPE 5

SENATOR GEO-KARIS:

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Mr. President and Ladies and Gentlemen of the Senate. Even though this bill doesn't have my amendment on, I support this bill. 'Cause my colleague who just spoke doesn't even know what's going on in some of the other counties. In my county, the forest preserve district has a bonding authority without referendum of a hundred and thirty-six million dollars, and yet your schools can't do it. I think something has to be done, and although it doesn't help my county, I'm all for this bill, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. In the case of the Champaign County Forest Preserve District, they are not elected; they are appointed by the county board. Now, this five-member board has the ability to sell bonds with no potential accountability to anyone. All we're asking, and Senator Maitland, I have met with the forest preserve people, the farm bureau people and we didn't move Senator Maitland's bill, 562, but we suggested this oversight, which would only say that when this five-member, nonelected board wishes to issue revenue bonds or GO Bonds, rather, that they merely take it to the county board and get permission to do so. We're not asking for an extraordinary majority. We're just asking that they go to the board -- that appointed them, for approval to issue more bonds. I don't think that's unreasonable. It's not going to hamstring the operations of the forest preserve. It's just accountability to the public. I'd move adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator -- Senator Topinka.

SENATOR TOPINKA:

Yes. A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

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SENATOR TOPINKA:

Has the DuPage County Forest Preserve District withdrawn its opposition to this bill?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

I -- I have no idea. I didn't know they were opposed to it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

SENATOR FAWELL:

Neither did the DuPage Forest Preserve.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Joyce, to close.

SENATOR J.J. JOYCE:

Well, I'd ask for your support, and Senator Maitland, a good deed never goes unpunished, but I would ask for an Aye vote on this. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall House Bill 365 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 10 Nays, 1 voting Present, and House Bill 365, having received the required constitutional majority, is hereby declared passed. House Bill 386. Senator Mahar. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 386.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Mahar.

SENATOR MAHAR:

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Thank you, Mr. President and Members. House Bill 386 amends the Park District Code to provide that bond limitations are computed by aggregating only the principal amounts outstanding. This is clarifying language suggested by Chapman and Cutler. Senator Kustra has added an amendment which resolves an annexation dispute in his area. I know of no opposition. Would ask...

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 386 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 2 Nays, none voting Present, and House bill 386, having received the required constitutional majority, is hereby declared passed. House Bill 337 <sic>. Senator Jones. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 437.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the -- of the Senate. House Bill 437, as amended, would include in there the provision that we passed out of this Body, and that is the licensed clinical social workers be covered under the Insurance Code as relate to reimbursement. The bill, 577, has sufficient votes in the House...

PRESIDING OFFICER: (SENATOR D'ARCO)

We have some order, please?

SENATOR JONES:

...has official votes in the House. However, many Members were absent -- to insure that we do get this taken care of, I ask for a

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favorable vote on House Bill 437.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR SCHUNEMAN:

Senator, did -- did the other bill fail in the House, or was it held? It has not passed the House, apparently.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

No, it did -- did not fail, it's on Postponed Consideration, because it has 66 votes and the -- some Members were verified off, they was out to dinner or whatever, so I don't want to take a chance. I want to make certain that the overwhelming vote that we received in this Body, that it carries over again.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. Just for the information of the Members, this is the bill that would mandate that if you buy insurance in Illinois, a private insurance policy that you have to buy coverage for clinical social workers. Whether you want it or not, the insurance company will have to put it in the policy, and you'll have to pay whatever premium is required. Now the sponsor's going to say that's not true, but one after one, we're adding all these different services and requiring that -- that every insurance policy sold in Illinois has to have these coverages. I think we're rapidly reaching the point that probably what we ought to do is allow two kinds of insurance policies to be sold - one

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including all the benefits that the General Assembly mandates, and another optional policy that doesn't include all those benefits, and I'll clue you, you'll be able to buy the other one a heck of a lot cheaper than you will the one that mandates all these benefits. So this is another chance to -- to defeat what I think is a bad proposal.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will.

SENATOR ZITO:

Senator Jones, I understand you discussed briefly the amendment. It was my understanding in committee when Senator Holmberg was the chief sponsor of the legislation - which I see now has been changed - that this bill was not to be amended. That House Bill 437 -- if I remember correctly, there was an agreement in committee that there would be no amendment. What happened to the agreement?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

You had no such agreement with the sponsor of the bill, the current sponsor of the bill. You may have had an agreement with the previous sponsor of the bill. As you -- as you recall -- and this issue came up and I indicated that no Member can -- can -- can stop another person from putting an amendment or attempting to place an amendment on the bill. So, that was the discussion, but you had no such agreement with me.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Senator Zito.

SENATOR ZITO:

Well, to the bill, Mr. President. Ladies and Gentlemen of the Senate, here we go again. I don't know, Senator Schuneman, I can't dispute - you're in the business, and I don't understand all the provisions of the insurance - but I can tell you, two days ago Senator Jones and Senator Schuneman rose in opposition to a bill that I had, because of an agreement in a committee. I don't know what we're doing here. I had originally supported House Bill 437, 'cause I thought it was a good idea in committee, and I was encouraged by the sponsor of the legislation, who, in fact, stated to every Member of that committee that the bill would not be amended. The bill was amended, and I don't have a problem with that necessarily, but we didn't discuss it. And when a commitment's made in committee, if it was good for me two days ago, it should be good on House Bill 4-3-7. I would ask this Body to vote No.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I would just like to echo what Senator Zito and Senator Schuneman said. I also was in committee, and I clearly recall that the then sponsor, Senator Holmberg, assured - she assured the committee that this bill would not be amended and we voted it out of committee. Just like to add a few points. This bill will be mandating a public health policy, and we will be asking that the private sector will pay for the program. Now this will drive up the cost of the health insurance for small employees only, since we all know that - or we should know that - large employers who are self-insured will not have to pay to provide this coverage, because they are exempted by federal law. Now I -- I stand with Senators Schuneman and Senator Zito,

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where we voted this thing out of committee with the assurances that it would not be amended. Now we're looking at a completely different bill, and I -- I think we should vote it down.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. If I may clear it up. At the time, in committee, I was asked the question if I knew of any amendments that would be put on this bill, and I said I knew of none. As far as I knew, there was no intention to amend this bill. Because an amendment was offered, I did turn over the sponsorship of the bill, because I felt that I could not commit to handling the bill any further.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Jones, to close.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I'm very shocked that the minority spokesperson would attempt to tell this Body -- attempt to tell this Body that this bill would mandate that all insurance policies in this State would have to have this coverage. It does not do that. What the legislation says is if you're going to offer -- coverage, then you must include clinical social workers. Downstate Illinois in particular, if you've got these social problems - there aren't any psychiatrists downstate practically to deal with the issue. This issue's been around for quite some time. In response to Senator Zito, as I indicated as Chairman of that committee, that the sponsor may give her word, but I -- she could not prevent another person from offering an amendment. She kept her word. So when I offered the amendment, she said, "Well, I give up sponsorship." That's what happened. It's a little different than what you did when you didn't keep your word. But this -- this piece of

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legislation did pass this Body. I want to insure that it does pass again, because I don't know if the House will get back to Postponed Consideration, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 437 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 20 Ayes, 32 Nays, 3 voting Present, and House Bill 437, having failed to receive the constitutional majority, is hereby declared lost. House Bill 470. Senator Barkhausen. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 470.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Bill 470 does three things. The original bill as it came to us relates to domestic violent -- domestic violence orders of protection, and it provides that the order shall remain in effect from between fourteen and twenty-one days. By an amendment we adopted, we provided that during the time that those orders remain in effect, the spouse against whom the order is in force shall not have access to school records. Then secondly, amended onto the bill were the provisions, with some modifications, of Senate Bill 531, dealing with a rather esoteric real estate law subject of tenancy by the entireties, which is intended to provide spouses who elect to -- to own and hold their marital residences - their homestead property - by this means, to provide them greater protection

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against the possibility, however remote, of the spouse -- the other spouse conveying out or mortgaging that property. Finally, amended onto the bill were the provisions of the Uniform Premarital Agreement Act, which had been endorsed by the Bar Associations with one modification which they suggested. Be happy to answer any questions, and would otherwise seek your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall House Bill 470 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present, and House Bill 470, having received the required constitutional majority, is hereby declared passed. House Bill 490. Senator Rock. Senator Vadalabene, for what purpose do you rise?

SENATOR VADALABENE:

Thank you, Mr. President. There'll be a Caucus in -- in Room 212. A Democratic Caucus immediately. Immediately.

PRESIDING OFFICER: (SENATOR D'ARCO)

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

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. There will be a Caucus immediately in Senator Philip's offices. The Republican Party.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The Senate will reconvene immediately after the caucuses.

(SENATE AT RECESS)

(SENATE RECONVENES)

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PRESIDENT ROCK:

All right. The Senate will please come to order. The Secretary will -- is distributing another Recall sheet, which we will get to very shortly. In the meantime, Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCYZ:

Mr. President, I move we discharge the Executive Committee from further consideration of Senate Joint Resolution 84, and I move we suspend the appropriate rules for its immediate consideration.

PRESIDENT ROCK:

All right. Senator Dudycz has moved to suspend the rules for the purpose of discharging Senate Joint Resolution 84 from further consideration by the Committee on Executive, and asks for its immediate consideration and adoption. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Dudycz now moves to discharge the Committee on Executive from further consideration of Senate Joint Resolution 84, and asks for its immediate consideration. All in favor of the Motion to Discharge, indicate by saying Aye. All opposed. The Ayes have it. Senate Joint Resolution 84 is now discharged. On the main question, Senate Joint Resolution 84. Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Members of the Senate, first I'd like to say that I spoke with the chairman and the minority spokesman of the Executive Committee, and they both have been notified, and do not object to this Senate Joint Resolution being discharged. Two days ago, the Supreme Court ruled on the flag-burning case in Texas, reaffirming that in that particular case, the individual was within his First Amendment's rights to

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burn the US flag. Now it may or may not have a direct impact on Illinois law. But yesterday, the individual in the flag case at the Chicago Art Institute held a press conference in Chicago, where he encouraged continued public displays of flag desecration. And this morning's front page of the Chicago Sun-Times shows another protester standing on the American flag on Michigan Avenue in downtown Chicago. Well, Ladies and Gentlemen, I for one, am outraged and offended by the events of the past two days, and I believe that you are, too. Now Senate Joint Resolution 84 calls upon the Congress of the United States to propose an amendment to the United States Constitution to overturn Texas vs. Johnson, and to permit appropriate punishment for the desecration of the flag of the United States. Ladies and Gentlemen, I hope that we can pass Senate Joint Resolution Number 84 and move it to the Illinois House for concurrence, and send a message to Congress that we in the Illinois General Assembly are deeply offended by acts of what -- of flag desecration, and we urge the Congress to take appropriate steps to protect our flag from further desecration.

PRESIDENT ROCK:

Discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. While I think this is a good idea, on Wednesday night, former Senator George Sangmeister, a former Member of this Body and now Congressman, brought the idea up to have an amendment to the Constitution, and discussed it on WBBM. The bills have already been introduced, it's my understanding - in conferences with Congressman Sangmeister - have been introduced in Congress already, so I think this is a good idea. But I would say that if some individual is trying to make hay out of this by standing on the flag somewhere in this country, he's encouraging violence. Because violence is what's going to happen if I see someone standing on the flag. I'm going to take that flag away

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from that person.

PRESIDENT ROCK:

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

SENATOR DUDYCZ:

Well, thank you, Mr. President. Just to echo what Senator Dunn just mentioned. You know the difference between the incident in Texas and the incident in Chicago is that the Supreme Court, in their decision, stated, and I quote, "No disturbance of the peace actually occurred or threatened to occur." And they closed - the majority opinion closed - by saying that the individual's conduct did not threaten to disturb the peace. That was quite different from what happened in Chicago last March. In Chicago, arrests were made, there were thousands of protesters gathering, emotions were high, the hurt was very visible and the anger was evident. We were very, very fortunate that we were very peaceful and there were no serious injuries to anybody at the Art Institute. And I just urge that everybody support this resolution, and let's send it to the House. Thank you.

PRESIDENT ROCK:

Question is the adoption of Senate Joint Resolution 84. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Joint Resolution 84 is adopted. Okay. We will go back to the House Bills on 3rd Reading. Page 6. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Yeah. I almost missed that vote again. I've -- I've punched my button several times today and it didn't work. Could I have the electrician come and check it? Been about four votes that I've

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missed because of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, let's hope it works on this next one properly. I'll help you up here. All right. We are on House Bills 3rd Reading. Middle of Page 6. It is House Bill 4-9-0, Madam Secretary. Read the bill.

SECRETARY HAWKER:

House Bill 490.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 490 proposes a two-year surcharge on the Illinois income tax, which will this year result in some three hundred and sixty-three millions of dollars being made available to local governments through the Local Government Distributive Fund, and will make additionally three hundred and sixty-three million much-needed dollars available for education in this State. The numbers next year are even greater. And over the past few weeks we have heard a whole host of alternative proposals, none of which seemed to have the cohesion to bring together a majority -- to reach majority approval. So we are confronted politically with the fact, Mr. President and Ladies and Gentlemen of the Senate, that House Bill 490 in this form has already received majority approval in the House of Representatives, and it now only awaits majority approval in the Senate before it will go to the Governor's desk and make this money available. We have spent the last two weeks rearranging literally, the education budgets for both the institutions of higher learning and elementary and secondary. If we have to, at this point next week, unravel all those budgets, literally every school district in this State and every

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institution of higher learning is going to suffer, and all the human service programs that we have agreed with the Governor in his budget proposal, to the tune of almost seven hundred millions of dollars for Mental Health and DCFS and Corrections and all the departments that deal in human services. We have left that money virtually untouched, so that the purposes for which it was recommended have in fact been fulfilled under the budget as we -- as it exists today, as it's coming back from the House and coming from the Senate to the House, and I have heard, "Well, why isn't it permanent? Why can't we have a permanent tax?" and I have been one who has been standing publicly, sometimes virtually alone, for the past two or three or four years, and as a matter of fact, back as far as 1983 when we last enacted a temporary tax, to say that yes, really it ought to be permanent. Politically, governmentally, can we pass it? And the unfortunate answer to that question, in my judgment, is no, we cannot. I daresay there's not a House Member over there who wants to see this or any other proposal revisit them. They would like this to go immediately to the Governor's desk as I would. The fundamental purpose of House Bill 490 is to provide much-needed revenue for education and for local government and I heard a week or ten days ago and I heard in committee, "Well, why local government? They're not even asking," and I don't know who's not listening, but they surely are asking, and I daresay again, what they have a right to ask. Something I was unaware of - we have twenty-seven hundred mandates that we have imposed on local governments across this State, and literally, statistically, half of the property tax revenue is used for State-mandated programs by local governments. We have additionally eroded their tax base, although we thought and still do think, as time after time we vote, we have eroded their tax base by almost nine billion dollars over the past years. With the homestead property tax exemption, the senior citizen homestead exemption,

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the homestead improvement exemption and the list goes on and on and on, and it does not at all seem inequitable to me that we will make available this year three hundred and sixty-three million dollars to those units of local government with the full expectation that they too have one-time capital needs that can be met. They have been severely cut back by the Federal Government, and they too have the opportunity - and should have the opportunity - if not to directly abate taxes, at least to be in a position to say "Yes, we can address essential social services, like garbage and police and fire, and we can do it this year and next year at least, without a tax increase, because we additional money from the Illinois General Assembly under the Local Government Distributive Fund. But equally, and more importantly, is education. We have argued about education. We spent a good deal of time talking about Senator Maitland's valiant effort to address the School Aid Formula, and so it's really not a bad idea to afford much-needed additional revenue on a temporary basis, with the full hope and expectation that two years from now we will be in a position - should be in a position - to revisit not only the formula and the basic inequity that many claim is in that formula, but also revisit all those programs. And all of us who sat through the Senate Appropriation hearing on the State Board of Education funding bill -- the monumental list of programs that we have put into place, both in 1985 with the Education Reform Act and then last year imposed on the City of Chicago, a Chicago Reform Act - what in the world is the matter with funding those programs and then revisiting them and see, in fact, if they are working, and we'll have to reassess our position. But I guess the message is, if there is one, is Ladies and Gentlemen, for goodness sake, we have an opportunity that literally has eluded us for four years - those of us who want to provide more money for education, and for the first time in that past four or five years, we did not

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have to dip into the Department of Public Aid or the Department of Mental Health or the Department of Corrections or the Department of Children and Family Services. We didn't have to scramble around to come up with an -- an additional hundred million or two hundred million so that we could all march home proudly and say, "Yes, indeed, I'm sorry that we're not funding services to the level they should be, but we provided more money for education, and that's our number one priority." Well, I think we're right, that is and should be our number one priority, and now we have the opportunity. Now we in the Senate have something that for the first time in the memory of man, has already cleared the House, and we ought to take advantage of it. This is an opportunity that may not come around again, because I have been one who has been intimately involved in negotiating, and I can tell you my political judgment is that the negotiations are going to come to no avail if House Bill 490 fails, because when you negotiate, you attempt to accommodate and compromise, and so we will be confronted with the same questions that year after year after year, we are unable to adequately address. Property tax relief - in what form, and how much? Permanency. What level of taxation? What exemptions? What are we going to do for the blind and the disabled? Workmen's Comp. Everybody has a different component or interest they bring to that table, and we have literally been unable to resolve all those questions. I will repeat, the fundamental purpose of House Bill 490 is to provide three hundred million additional dollars to education, so that we're not losing tenured faculty at the university level. We're not cutting back programs. It's to provide additional much-needed moneys so that we can hold our head up again and say, "There isn't any reason that we in Illinois have two hundred plus of our school districts on financial watch." We ought to be ashamed of ourselves. And I read in the headline in the local paper just this week, that the

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Springfield School Board approved a budget that's eight hundred thousand dollars in deficit. Do you know what happens in Chicago? They can't open, because of what we said under the Chicago School Finance Authority. If they come up with a deficit, they can't open. But the board blithely passed a budget and said, "Yeah, it's eight hundred million in -- in deficit." But if 490 passes, we'll have a surplus. I'd like every school district to be able to say that - that, "If 490 passes, we will no longer be on financial watch." We will have met our obligation to those vital human service programs that we all so dearly love and vote for, and we can again say, "Illinois is doing the best that it can," and the best that it can politically, in my judgment, having served here as long as I have, is to pass House Bill 490. I don't think another chance is going to come along in the next week. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. To expand upon President Rock's comments, every one of us, without exception, when we go home, we hear a couple of continuous phrases from the people that run our schools. "Fully fund the categoricals." What that means is that instead of just saying that special education ought to have some money and provide a formula, we ought to put the money where our mouths are, and where our votes have been, and provide the funds so those children with special needs get the kind of treatment that we so proudly say we are providing, but for which we have failed to provide the money. "Fully fund the mandates." Another phrase that every one of us hears every time we go home. Last December some of us caught a lot of heat, because we were on the verge of being sued because some school districts said they didn't even have the money to mail

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out the report card that we mandated in the 1985 School Reform Bill - a report card that makes all administrators a little more accountable as to what's happening in those schools. Our schools, for our children, and we haven't funded the line item for that. We did it last year by doing something that I wasn't happy to do, but we took it out of General State Aid. So we robbed Peter to pay Paul, and we avoided a law-suit, but that's not the way to do it. A few weeks ago, educators came down here accompanied, beautifully, by students. I was glad to see there were more students than administrators. And they wore those -- those orange badges. At the top of the badge it had a number seven and then it had an arrow down and then it had a forty-four. Each one of us are embarrassed by that statistic, which means that within the past ten years, Illinois, one of the great states of our country, have moved from seventh in education funding to forty-fourth in education funding, and I said this the other day when we voted on Senator Holmberg's, Fund Education First bill. There isn't one person that will stand up on this Floor and say, "I purposely voted to move us from seventh to forty-fourth," but through benign neglect, attention to other emergencies, problems that spoke louder than schools, we have moved from seventh to forty-fourth. You and I know there aren't forty-three better states than us, as far as our commitment, up here in our minds, to education, but Ladies and Gentlemen, there are forty-three states that are better than us when it comes to voting their buttons in their General Assemblies. Today, with one vote, we can start that arrow moving upward instead of downward. Just one vote. No speeches. No newsletters. No handouts. One vote, which will speak louder than all of those other measures. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland. I might -- Senator Maitland, if I might, I just - Maitland, Schaffer, Holmberg,

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DeAngelis, Kustra, so far. Senator Maitland.

SENATOR MAITLAND:

Thank you very much , Mr. President and Members of the Senate. These are the times that try men's souls. It is very difficult for many of us to stand up and oppose a piece of legislation that will provide for education the amount of money that this one will. Senator Rock, I for one have stood side by side with you for these three years, attempting very diligently to generate the money necessary to sustain State Government. Not only education, but every agency of State Government. The Governor of this State offered to us, at least for two years, proposals to adequately fund education, and across the rotunda, that notion was repeatedly rejected. There is no question in my mind that this revenue that we are voting on today will provide for elementary, secondary and higher education, adequate revenue to sustain them for two years, but I for one resent very much being given an ultimatum by the other side of the rotunda saying, "This is it. Take it or leave it." I was not elected to conduct my job here in Springfield that way. The art of being a good politician is the art of compromise, and that's what we're all about. In the galleries today are the education people in particular, who have been asking us for several weeks now, to support this, and I understand why. I, first of all, initially begged them not to do that. I said, "Stick with us. Let us try to put in place a mechanism to provide the long-term need for education," but you know why they can't do that? For the very reason we are voting for a bill or against a bill as we are today - because they can't count on the General Assembly. We charged them with an awesome responsibility to educate the young men and women of this State, and we're going to put them in the same dilemma that they are in today, in two years, if we vote for a temporary tax increase. And every one of us in this Chamber know that, and I'm not about to do that. This is not

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the only train on the track. We have another week, and we've done it before, and we can do it again. View the Local Government Distributive Fund. What does that do for municipalities and -- and for counties? Provides them a tremendous infusion of money, but Senator Rock, I, for one, was not asked for that money. I, for one, have said we would change the formula and give them more money, but doubling the money? I can't do that. Not when I see Medicaid reimbursement hurting as bad as it is. When I see foster parents, and the list goes on and on and on. My colleagues in the Senate, this is a very critical vote for all of us today. It is not easy to vote against this kind of infusion of money for education, but I'm ready to stay here -- stay here for two more weeks, if need be, and provide the adequate revenue for not only education in this State, but for every other agency. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, it will come as no surprise to you, and I think most Members of the Body, when I say that many of us have very serious reservations about this bill. I think we came down here thinking this was the year of crisis for education, and we find out that it's the year of salvation for local governments, many of whom didn't realize they had a problem until somebody told them they did, and that there was a lot of money out there they could get. Many of us felt very strongly about the need for formula reform and certainly salute Senator Maitland's efforts. This bill does not have that in it in any sense at all, and many of us come from areas where property taxes have reached the -- the point where they're just no longer tolerable, and we look to this General Assembly for help and relief in that area. This bill does nothing in that area. There are other alternatives. In the last

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few days and two weeks or so, we have tried a number of different approaches to address those problems, without success. I would ask you, as sponsor and also as President of the Senate - further on the Calendar today is House Bill 1072, an alternative that I think many of us would like to consider. An alternative that addresses other concerns than the municipalities and the counties, while providing additional money for those entities also. My question to you, and I guess to the principle sponsor, is "Hey, will you allow that bill to be called, and be -- will the sponsor call that bill?" Some of us would like not to be stuck with a take-it-or-leave-it option that doesn't meet the needs of our constituents - would like another opportunity, and would like to know whether we're going to get it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg. Senator Schaffer, you asked a question of whom? Well, Senator Rock is not the sponsor of that bill. Perhaps the -- well she's on -- Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. In Rockford this year we closed fourteen schools. It was to prevent a seven-million-dollar annual deficit. In Rockford, a number of years ago, we voted out home rule, so each spring we go to the voters with a referendum for our capital improvement projects. My new mayor has told me that the money in 490 would enable him to not have to do that. It would mean tremendous property tax relief for the people of Rockford. Certainly each one of us would have written this income tax version differently. It is the only version available before us, and for the Rockford area, House Bill 4-9-0 spells R-E-L-I-E-F. There does seem to be enough money in additional revenue to fund our agencies for the next two years. What we never seem to have enough of, as we divide up that budget, is money for education. My own bill, Fund Education First, has become more than a bill. It

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seems to have become the watchword phrase of this General Assembly. This tax increase, as many of the others that have been proposed this year, have all specified fifty percent of the funding will go to education. As I said the other day, this is new news. Education has this year truly become our priority. Let's show business, labor, teachers, many of the people up there in the balconies, mothers and fathers, and most of all, our children, that the great State of Illinois is willing to invest in its future. Let's vote Aye on 4-9-0.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. As I observe what's going on, I can't help but call to mind the movie the "Tin Men." When they came out and brought the camera in front of the person's house and told them that they had to take a picture of their house, because they were doing a before and after of a house they had put new siding on, and they inadvertently had forgotten to take the picture of the house before they put this aluminum siding on. 490 is the new aluminum siding, and Senator Berman, you have really reeled out the camera. We're to move from forty-fourth to someplace else. Senator Holmberg, we're to solve the problems of education. Well, I want to tell you, if this bill passes, you still have an ugly house. This bill is, in its best form, deception; in its worst form, a fraud. It's deception because - and I see Superintendent Miedema because he was a superintendent in my school districts - who is the superintendent you refer to. Yes, it may take care of his eight-hundred-thousand-dollar deficit, but I'll tell you, Senator Berman, two years from now, he will be in more trouble than he's in today. And it's a deception to the teachers, 'cause they will have an expectation of higher salaries. Two years from now,

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they'll have to go out on strike. There'll be cutbacks and there'll be less teachers, bigger classrooms. There's also deception in local government. I talked to the head of our Mayors and Managers just a few minutes ago - a man I deeply respect, Bill Balthis, from Lansing. I said, "Bill, what are you going to do with the bread?" And he said, "I really don't know." He said, "because, I can't really spend it, 'cause I don't know whether it's going to carry on, so I guess I'll find some things to spend it for, because I can't abate the property taxes, 'cause if you don't turn around and extend this tax, I will have to raise the taxes tremendously in that third year." It's a -- deception to the disability groups - the people who we are truly sent down here to help - those who cannot help themselves. And we have told them, "You're not as important when it comes to raising revenues. You're getting enough money. You shouldn't get anymore out of it." Even though we know, we stand in eminent danger of having decertification in some of our mental health facilities. That we are embarking upon a program of community care that we cannot fund. And I guess the biggest deception is on the Members of this General Assembly, 'cause they have bought into this. Senator Rock, you talked about other attempts that have been made. It reminds of a story of the friend of mine who asked me a couple of years ago to go ski in Colorado with him and some of the guys, and I said, "You know, Duane," I said, "I spend a lot of time away from home. I don't think I ought to be going on a ski trip with the guys." He said, "Well, I'll tell you how you do it." He says, "Go up and tell your wife that you want to go skiing in January, and then about a week later go back and tell her you want to go, and she'll sit and say "why do you want to do that by yourself?" and then tell her you're going -- a week later tell her you're going in March, and she'll turn around and say, "But you're going in January," and you say, "Okay, I'll cancel the March trip." The

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point is that we don't really have an alternative, because we've been presented with one that's been there all the time and you really never had to vote for another one. I feel that when we get done with this tax, there's a half of one percent, and we give half of it away to local government. In fact, we're going to give some tax, by the way, to local governments that don't even have property taxes. Now we're going to turn around and keep the other half, but you know what? In the process of -- unveiling this tax, we have killed the tax that creates a hundred and eighty million. That hole's got to be plugged. So with the three hundred and eighty million that's left, we have a hundred and eighty million that's got to go back to cover up what we won't be able to fill, based on what the Governor thought he was going to get. So we got two hundred million dollars, and I'll tell you, fellow Americans, we're had a lot of trouble explaining where the lottery money has been for years, but if we can ever go back to the districts and tell people we solved all these problems with two hundred million dollars, then we're a lot better than Danny DeVito, I'll tell you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. You know, if you go all the way back to our political roots, you can find that the people of this country could always enjoy and be protected by a two-house legislature. Bicameralism is what the political scientists call it. One house to check the other. One house to improve the work of the other. Forty-nine other states and Congress - maybe I should say forty-eight other states and Congress, use bicameralism. I'm not so sure whether we're doing that here today. Whether we've done it in the last couple of weeks. It seems like we've become a wholly owned subsidiary of the Illinois House of Representatives. At least nine times - at least

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nine times - we on this side of the aisle have offered amendments to a tax plan. Good, solid amendments, which most of you over there can't even criticize, but there's some political deal that has to work its way through this Legislature very fast right now, and so you -- you can't take the time to take a good look at those and examine which ones are the best for the people of the State of Illinois. Before we move down this path, I hope we can serve notice to the taxpayers of Illinois. They deserve that notice. They should know, first of all, that only one house, apparently, has anything to say about tax policy in the State of Illinois. Taxpayers should also be notified that only one party, the Democratic Party, seems to have anything to say about tax increases in this State, and that doesn't make much sense either. Taxpayers of Illinois deserve notice to know that in this package you get no property tax relief, in fact, I really don't understand this one, because I thought I heard so many of my colleagues on the other side of the aisle over the years argue about the inequity and the unfairness of the regressive property tax, and how the income tax is the fair tax, and how we ought to be about the business of shifting the burden. you just want to double the burden. You're going to leave the property tax right where it is, and then slap another income tax on. You had plans -- you had plans right before you, to make this a better proposal, and you rejected those. Taxpayers of Illinois get no human service funding under this increase. Senator Rock, I have to disagree with you. You portrayed the State agencies of Illinois as somehow serving all of the people who have serious needs. Anybody hear of an organization called the Voices For Illinois Children? There is a children's agenda in this State that right now is unmet, and you didn't do a doggone thing about it with this tax proposal. You flat out ignored them. One of those proposals is a thirty-five million dollar tax credit. That's what it's going to cost. It's

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going to cost thirty-five million dollars to give working poor parents a tax credit to care for their children. That's part of the package of The Voices of Illinois Children, and it's going unmet -- it'll go unmet if this proposal moves forward. Why don't you talk to some foster care parents about how well that budget of the State of Illinois is able to take care of the children we have intrusted them with. You and I know, Ladies and Gentlemen, the money is not there, and the only reason it's now there in this package is because once again, a political deal must move quickly through this General Assembly and shortcut and do a serious disservice to some real needy people and so you take credit, Senator Berman for serving the needs of education for two years. Eighty-three, I remember, I was here in eighty-three. I voted for a temporary tax increase like many of you did, because we had a temporary crisis and we got over it. I hear as I go around the State of Illinois in those downstate school districts, those problems aren't going away in two years. Those unfortunately, Ladies and Gentlemen, are problems that are going to be with us for some time, and it's going to take dollars for some time to do something about it, and this doesn't do that. You look around and it almost looks like this is the end of the Session. This is it. And to hear Senator Rock talk, all deals are off. Nothing can happen in the House. Are we all here to serve the master of the House? I don't think so. I have a two hundred and ten thousand person district like all the rest of you. My gosh, there's a week left. Let's address some of these needs. Let's slow down. Let's defeat this bill and get together. We've done that before. Don't let anybody fool you that we can't, in a bipartisan fashion, put something together. That's what we ought to do, and in order to do that, we have to defeat House Bill 490, and I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall. And then Senator Jones.

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Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm going to give you the three B's. I'm going to be brief. I'm going to be sincere and then I'm going to be seated. What I'm telling you - and the President's correctly stated it - we have a chance to do something at this State. We talk about the needs for the schools. I'm telling you, if you turn your back on this -- please vote for this bill and put it on the Governor's Desk.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I really hadn't planned to speak on this legislation, but as I listened to the debate and the comments, I've become more and more convinced as I listened to the talk from the other side of the aisle, that they really don't want to have a tax. You had an opportunity last week. You had an opportunity to provide the necessary funds for social programs to deal with the Voice of the Children of Illinois, to deal with the foster care parents, to deal with Public Aid, to deal with Medicare reimbursement, to deal with property tax relief, but each and every one of you voted No. You had an opportunity to provide for a permanent tax to solve the problems, not only for the schools, not only for the local units of government, but for the State of Illinois and to the mayor and women, you voted No. The children in the public schools throughout this State -- their needs are permanent needs, and I believe that. Is that -- is that reason why I put in an income tax bill increase last year, again this Session. We have never funded the mandates of the School Reform of 1985. But the longer we debate this issue and pretend to the people that we want to do something, when the

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opportunity was given to you, you voted No. You voted against property tax relief. You voted against all the social service programs, 'cause I offered the amendment to make it permanent, a permanent tax. So sometimes I wonder -- are we playing games or are we sincere about providing the necessary services for the people throughout the State of Illinois? The children in the Chicago public schools, yes, they need money and they need programs. They need early childhood education. They need those programs funded, and to sit around and play politics and pretend that we want to do something about it, I believe it's all just folly. I'm almost convinced that if this bill goes down, there will be no bill. I don't want to take that chance. I don't want to take the chance of depending on you who have voted against a permanent tax. You who have voted against giving property tax relief. you who have voted against all the social services needs of this State, and to say, "Let's sit down and talk," - it doesn't make sense. I plan to vote Yes on House Bill 490.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? It'd be Senator Philip and then Senator Rock, to close. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As you're probably aware, we have said publicly, and I will say it once again, that there are Republicans on this side of the aisle that could be for a reasonable tax increase - and I will say it again - under two conditions. Real estate tax relief and a change in the School Aid Formula. House Bill 490 contains neither of those two qualifications. We have said it publicly. We will say it again, and we mean it. Senator Rock, I have thirty-four municipalities in DuPage County. Until 490 passed the House and was over here in the Senate, I didn't have one municipal officer call me, write me and ask me for a tax increase, and of course,

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they're like a kid with his allowance. If you give him five dollars a week and you say, "Would you like six?" what do you think the kid is going to say? Now -- and I don't mind helping municipalities, but to double what we give municipal government from one twelfth to one sixth? Absolutely irresponsible. Now, look at the amount of money that we're going to be pouring into secondary and higher education - three hundred and eighty million. Back in that same School Aid Formula that everybody criticizes, the experts criticize it, it discriminates against suburbanites, discriminates against downstaters. I can't find any legislator that can understand it. Most of the people in the school business don't like it, but we're going to sit here once again and plug in a large amount of money in a School Aid Formula, quite frankly, that's unfair and doesn't work. We have students in some of the worst school districts who receive anywhere from twenty-one hundred dollars. We have school districts that receive per student per year, ten thousand dollars. As you know, we've had the Kentucky case. If we don't do it one of these days, I will tell you this, the court's going to do it for us. They're going to say, "Make it fair," and it should be fair, and Senator Rock, we tried to help your House Bill 490. As you know, we Republicans had nine amendments. We had one that revised the School Aid Formula. You killed it. We had one that gave property tax relief. You killed it. We had one that made a half percent permanent and gave fifty percent of it to the schools. You killed it. We had one that required the city to rebate half of what they got back on property tax. You killed it. So you, in effect, have killed everything - every compromise that we have suggested, Senator Rock. I'm suggesting to you today that this is a bad bill. It's a bad vote, and I would also say to Senator Berman - and I really get honked off when I see the media and other people saying that the State's participation to the schools ranks forty-fourth in the

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United States - when you plug in the real estate tax, what our share in and what the federal funds are, Illinois is in the top ten states. So, we haven't done so poorly with our children, and we can do better, but this is a bad vote, Senator Rock. I think if you represent the City of Chicago, you ought to vote for it, but if you represent the suburbs or downstate or a combination of the city and the suburbs, you ought to vote No. We ought to sit down - we have till the thirtieth of this month - sit down and try to work out a reasonable compromise. There are people on this side of the aisle that are extremely sincere about helping schools, and I mean that. But we want a better formula. We want to help those homeowners in the collar counties - Suburban Cook - who pay such high real estate taxes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock, to close.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I truly, at this moment, don't know where to begin. But I am delighted that Senator Philip brought some of the negotiations finally out in the open so that I hope, as you remember my earlier remarks when I talked about what's politically and governmentally realistic, you will have some idea of the message I was attempting to convey. Senator Philip said there is some Republican support. And I believe he sincerely believes that and will make it happen if the tax increase is modest, if there is sufficient tax relief, - we don't know what that is of course, those numbers vary from year to year - and if there is a change in the School Aid Formula to the benefit of the collar county, and I hope, suburban schools, as I proudly represent the Village of Oak Park, Senator Philip. And so those are three or four components with which one must wrestle, whether in a room of five or in an assembly of one hundred and eighteen or fifty-nine, before there's even any

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reasonable discussion. And both of us have spent enough time over the last four years, not only at summit meetings but in caucuses, to know that in each group, I dare say, there are some who say, "watch my lips - no new taxes, under any circumstances." And I think I'm safe in saying there are probably more on your side of the aisle and Representative Daniels' side of the aisle than on our respective sides. But that's subject to argument. But what's happened in the past - as one speaker mentioned the Governor's prior proposals - what happened is once the negotiations zero in on those proposals, they are literally negotiated to zero by caucus action, because as soon as you attempt an agreement on one hand, there's another component that pops up that maybe there's not agreement. Well, then I have to go back to my caucus, and my caucus rejects it, but I'm willing to talk. I'm willing to talk. And we went through this drill last year and the year before and the year before that. And we marched down to the Governor's Office. And we all come out and the cameras are blazing and we say, "I'm willing to talk. I'm willing to talk. My mind is open." Nothing. Absolutely nothing. And yes, Senator Philip, I resisted the nine or so Republican amendments. I considered them hostile, frankly. Hostile to the extent that the expressed purpose of at least a couple of those was anti-Chicago, both in terms of its municipality and its school system. But in addition to that, it was -- it was calculated, in my view - perhaps erroneously, but nonetheless as a judgment call - it was calculated, in my view, to send this bill back. And you and I both know they don't want it back. The House sponsor sat next to me in the Senate Revenue Committee and told everyone who was caring to listen that she and ten others, having had a full-blown press conference the week before, walked the Floor of the House on behalf of a permanent forty-percent tax increase weighted heavily in favor of schools. And their roll call, at -- as the result of

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their survey, was eighteen. Eighteen affirmative votes in the House for that proposition. And roll call after roll call that was held in this Chamber, as Senator Jones so aptly pointed out, did not show, I suggest strongly, any majority support for a larger, permanent tax increase. You know, there are some on this Floor who are just going to say no to taxes, period. And there's some of us who are really trying to do something. And in order to get a majority on this Floor to agree on permanency, I don't think, politically, we can do it. And I don't think, politically, there's a majority in favor of the CHIEF Program, as hard as they tried. So, when you try to balance all these components and negotiate them out, what's the net number? What are you coming up with? Because the fundamental reason, again, that we're all here, we say, week after week and month after month, whether it's a talk show or television or district meeting or the Kiwanis, education is my number one priority. And I'm going to do everything I can to get more money for education. Well, this proposition is elegant in its simplicity. Not fooling around, not hiding anything from anybody, we're saying there's money here for schools and there's money for local government, and by virtue of the fact that we don't have to nickel-and-dime around with the seven hundred plus million dollars that the Governor presented to us in new spending authority this year, we've put that in those human service programs. And frankly, some of the compassion I'm hearing from some on the other side sounds to me a little hypocritical. There was an amendment from there to cut the Public Aid budget, because we're providing for the first time in six or seven years a cost-of-living increase for Public Aid recipients. And I didn't get majority support over there for Senate Bill 150 to provide additional money for the hospitals in our state that take care of a majority of the poor people. That bill is back here. And that fifty-eight million dollars is now part of the program, I'm happy

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to say. And yes, we've taken care of Mental Health, as per the Governors's recommendation. And if somebody tells me we've not put enough money in the OBRA program, tell me how much is enough. The Federal Government doesn't even have rules and regulations yet by which we can judge how much money is enough. We've put in what's been requested of us by the administration. Ladies and Gentlemen, I reiterate, this is an opportunity. We have been through the entire Calendar, if you will remember. This bill has been subject to our Revenue Committee hearing, has been subject to great debate on the Floor. We are now in the last day under a self-imposed deadline. This is the last bill, but for those that are going to be recalled for purposes of an amendment. The time is now. The time is now. And I would ask an affirmative vote on House Bill 490.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall House Bill 490 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 21, the Nays are 30, 8 voting Present. House Bill 490, having -- Senator Rock.

SENATOR ROCK:

Yes, I would request, with leave, that further consideration be postponed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has requested Postponed Consideration.

END OF TAPE

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we'll go to Order of Recalls. We'll go to the Order of Recalls. Your Recall List is on the Desks. 745. Senator Smith. On the Order of -- Senator Smith seeks leave of the Body to return House Bill 745 to the Order of Second Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills, 2nd Reading is House Bill 745, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. Ladies and Gentlemen, I'm going to ask Senator Lechowicz -- Luft if he would...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. At the request of the sponsor of this bill, I would ask -- having voting on the prevailing side, I would ask leave of the Body to Table Amendment No. 4, I believe, to House Bill 745. I mean, having voted on the prevailing side, I ask to reconsider the vote by which Amendment No. 4 to House Bill 745 was adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft, the amendment that we are considering now is Amendment No. 4. Senator Smith.

SENATOR SMITH:

What I would like to do, Mr. Chairman, I'd like to Table Amendments No. 1, No. 2 and No. 3. And then I want to offer No.

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4 -- bill. I'm sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request. Senator Smith has -- voted -- having voted on the prevailing side, moves to Table Amendments 1, 2 and 3 to House Bill 745. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Well, Mr. President and Ladies and Gentlemen of the Senate. I think we'd like to know specifically what those amendments -- what you are removing, and what Amendment No. 4, that's left, is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, this is a Motion to Reconsider the vote. Senator Smith.  
SENATOR SMITH:

Thank you. Senator Luft was in charge -- responsible for Amendment No. 1. He will interpret that to you. Amendment No. 2, Senator DeAngelis had that, and he will interpret that for you. Okay. And I will do No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 1 was an amendment by the Hospital Association which dealt with the ICARE Program in five different regions. It was a way of redistributing income to various rural hospitals. There was a price tag on it of thirty -- thirty-five members <sic>. Apparently the -- the sponsor and other people thought that this hindered the passage of this bill. So that's why I am joining in having it removed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Thank you, Mr. President. Senator Smith...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Let me suggest the procedure here. We are in the process of reconsidering three amendments that have been adopted. It just seems to me, we ought to take them one at a time. Unless -- unless you have -- Senator DeAngelis.

SENATOR DeANGELIS:

Well, her amendment strips all three of those amendments. I think. So I don't know how you're going to consider them one at a time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith, having voted on the prevailing side, moves to -- Senator DeAngelis. Senator Smith has made a Motion to Reconsider the vote.

SENATOR DeANGELIS:

No, I think she's giving you an amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All I know is what -- Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I think what the -- I think what the Senator is trying to do is to add an amendment on Recall which effectively deletes the first three or four amendments. And therefore, there would be no need for the vote to reconsider or to Table the amendments. Because those amendments are being removed. The previous amendments that have been adopted will be removed with the adoption of Amendment No. 4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

That's what I was trying -- I was trying to advise the Chair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well the Chair is only attempting to do what the sponsor has requested.

SENATOR DeANGELIS:

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And you're wonderful. Your're wonderful, Mr. Chair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

It's more than I can say for you at the moment. I love you, but -- Senator Smith.

SENATOR SMITH:

Mr. Chairman, I still will have to Table all three of these amendments before I can put...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record until this thing gets redone. Start talking to one another. 1621. Senator Rock. Senator Rock seeks leave of the Body to recall House Bill 1621 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 1621, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by President Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I think, if I can request of the Secretary, has Amendment No. 1 been Tabled?

SECRETARY HAWKER:

Yes, it has.

SENATOR ROCK:

All right. I would like, having voted on the prevailing side, to also reconsider the vote by which Amendment No. 2 was adopted, for the purpose of Tabling No. 2, and No. 3 will be its worthy successor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock, having voted on the prevailing side, has moved to Table Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The vote on

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

SECRETARY HAWKER:

Amendment No. 3 offered by President Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO).

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is the amendment that Senator Philip and I have discussed. It is different than Amendment No. 2, in that it reduces the amount of money made available for the district office allowance to eighteen thousand dollars in the Senate and ten thousand dollars in the House. It still contains the other provisions about a stipend and a pension change for the constitutional officers, and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock has moved the adoption of Amendment No. 3 to House Bill 1621. 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. 1721. Senator Luft. Senator Luft. Senator -- all right. Senator Luft has requested leave to return House Bill 1721 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 1721, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Luft. Pardon me, Senator

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Berman. Pardon me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 1 is in line with discussions that we've been having with DASA regarding their drug prevention programs. This amendment ties in the distribution of those funds to the areas where the drug-related problems are most heavy. I move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman 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. Senator Davidson seeks leave of the Body to return House Bill 2123 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading, House Bill 2123, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate. All this says, and in with concurrence of the Vice-Chairman of the Employees Awards Committee, Senator Carroll, Administrative Service Organization shall pay all qualifying claims within sixty days of receipt of such claims. This is to resolve a problem we are having under the

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Self-Insured Program for State employees. That bills haven't been paid since February, and a lot of them are either have to pay up front or the provider is now charging them interest. Move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson has moved the adoption of Amendment -- Amendment No. 4 to House Bill 2123. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 2310. Senator Maitland seeks Leave of the Body to return House Bill 2310 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? On the Order of House Bills 2nd Reading is House Bill 2-3-1-0, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much Mr. President, Members of the Senate. Amendment No. 5, I guess it is, to House Bill 2310 is a -- a further addressing the concerns of preemption that was in the bill from the very beginning. We addressed this issue yesterday. We are doing it once again. I think there is complete agreement on this amendment. And Mr. President, I would move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland has moved the adoption of Amendment No. 5. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 2321. Senator Daley seeks leave of the Body to return House Bill 2321 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 2321, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Daley.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Mr. President, with leave I would -- have Senator Lechowicz handle this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, Senator Lechowicz. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 would offer the same protection to Wrigley Field that currently exists for Comiskey Park and the new Blackhawk Stadium. Move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz has moved the adoption of Amendment No. 2 to House Bill 2321. Is there discussion? Senator Macdonald.

SENATOR MACDONALD:

I wonder if the sponsor would yield for a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz indicates that he will yield. Senator Macdonald.

SENATOR MACDONALD:

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Yes, is there an Arlington Park amendment attached to this bill at this point? Is this a part of the amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

No, Senator Macdonald. This is strictly for Wrigley Field, so it wouldn't be voted dry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz 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 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator D'Arco seeks leave of the Body to return House Bill 2513 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, House Bill -- I'm sorry. 2513, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

All right. Mr. President, I would like to reconsider the vote by which Amendment No. 2 was adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco...

SENATOR D'ARCO:

That's the bad amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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...has moved to reconsider the vote by which bad Amendment No. 2 was adopted. Those in -- those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is reconsidered. Senator D'Arco now moves to Table Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Simply a technical amendment to get it into a conference committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco moves 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 2514. Senator D'Arco seeks leave of the Body to return House Bill 2514 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 2514, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

All right. Mr. President, I would liked to reconsider the

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vote by which Amendment No. 2 was adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco -- having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 2 was adopted to House Bill 2514. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The vote is reconsidered with respect to Amendment No. 2. Senator D'Arco now moves to Table Amendment No. 2 to House Bill 2514. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is -- is Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

It's an technical amendment to get it into a conference committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco has moved the adoption of Amendment No. 3. Is there discussion? To House Bill 2514. 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. (machine cutoff) Ladies and Gentlemen, if I could have your attention. We're going to take a -- I beg your pardon. There's been a - there's been a revised Recall List? (machine cutoff) Let me -- let me just -- if I could have your attention. I'm only going to say it once. We're going to take a five minute Recess. Senator D'Arco, I think there was a problem

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with the last bill. So during the Recess, perhaps we can get it straight. When we start up again in five minutes, we're going to start at the top of House Bills 3rd Reading on Page 5. This will be the last time through. So the Senate will stand in -- at ease for five minutes.

(SENATE AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the Order of Recalls. First of all, I -- I did not deliberately miss you, Senator Carroll. But Senator Carroll seeks leave of the Body to return House Bill 2517 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading is House Bill 2517, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We are still attempting to reach some resolve in this area of treatment of mobile home parks, and trying to talk to both those who are the owners of the property and those who are the users of the property. Senator Raica earlier graciously withdrew an amendment with the understanding that we would offer an amendment in order to have the House non-concur, to put it in conference to see if within the next week there can be any accommodations reached, and then present to the Body a final

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version. This amendment deals with the twelve-month expiration - requires a twelve-month notice that a lease will not be renewed. That's an awful long notice period, but that is intentional - to give a full year's notice on a one-year lease. And again, the purpose is to adopt an amendment in order to get it into conference. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll moves the adoption of Amendment No. 1 to House Bill 2517. 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:

Amendment No. 2 offered by Senator Raica.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm not too sure that our amendment's going to track, but I would like to -- I -- I'll go with the word of Senator Carroll as far as taking this bill to conference committee, and I'd like to thank him for his gracious consideration in -- in allowing us to do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica, do you wish to withdraw your amendment, then? All right. Senator -- withdraw the -- the amendment. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 3rd Reading. All right. House Bill 497. Senator D'Arco seeks leave of the Body to return House Bill 497 to the Order of 2nd Reading for the purpose of an amendment. Is leave

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granted? On the Order of House Bills 2nd Reading is House Bill 497, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Amendment No. 1 is the mechanism to provide the utilities with whatever income is owed and due them because of the shortfall as a result of the IRAPP Program. And I would asked for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco has moved the adoption of Amendment No. 1 to House Bill 497; 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. Okay. Senator -- there was a problem with respect to House Bill 2514. We think we have it ironed out. Senator D'Arco seeks leave of the Body to return House Bill 2514 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading is House 2514. Madam Secretary, 2514. Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I would move to reconsider the vote by which Amendment No. 1 was adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator D'Arco, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 1 was adopted. Those in favor will indicate by saying Aye. Opposed,

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Nay. The Ayes have it. The vote on No. 1 -- Amendment No. 1 is reconsidered. Senator D'Arco now moves to Table -- Table Amendment No. 1. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR JONES:

Yeah. Thank you, Mr. President. As the sponsor of House Bill 2079, I move to rerefer that bill back to the Judiciary Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Now wait a minute. 27 what?

SENATOR JONES:

2079. 2079.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On Page 12, Senator Jones has sought leave to recommit House Bill 2079 to the Committee on -- on Judiciary. Is leave granted? Leave is granted. Senate Bill -- I'm sorry -- House Bill 2-0-7-9 is recommitted to the Committee on Judiciary at the sponsor's request. Senator Topinka, for what purpose do you arise?

SENATOR TOPINKA:

Yes, Mr. President. I would like leave to recommit to the appropriate committee House Bill 2183.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... All right. Senator Topinka, on Page 12, has moved to recommit House Bill 2183 to the Committee on -- on Insurance. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. House Bill 2183 is recommitted. (machine cutoff) Senator Smith on the Floor? Senator Smith, do

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we -- are we ready to go now? (machine cutoff) Do we have 745 ready now? Senator Smith, are we ready to proceed? All right. Senator Smith seeks leave of the Body to return House Bill 745 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading, House Bill 745, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right now. Senator Smith.

SENATOR SMITH:

Thank you. Mr. Chairman, I would like to Table Amendment No. 1, if I may, on -- to 745, if I may.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 1 was adopted.

SENATOR SMITH:

Thank you. And I would now...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Those -- those in favor will indicate by saying Aye. The Ayes have it. Senator Smith now moves to Table Amendment No. 1. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is Tabled. Further -- further amendments? Senator Smith.

SENATOR SMITH:

I want -- thank you, Mr. Chairman. I want to withdraw Amendment No. 4, if I may.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith seeks leave of the Body to -- to withdraw Amendment No. 4. Amendment No. 4 is withdrawn. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. All right. We're going to start at the top. Here we go. Senator Rock. 2576. This amendment is not ready? All right. Page 5. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If I can have your attention. I have just discussed with Senator Philip, we have -- we have only ten or twelve bills remaining, and there are an equal number on the Consideration Postponed Calendar. We will deal with those and adjourn. So I would ask everybody who has a bill, be present and be ready. This is the last time around.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Page 5. 18. Senator Marovitz. House Bills 3rd Reading is House Bill 18, Madam Secretary. Read the bill.

SECRETARY HAWKER:

House Bill 18.

(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. House Bill 18 repeals the premarital AIDS test. It eliminates the medical examination in order to obtain a marriage license. As we have seen since this bill became effective, an increasing number of people have been crossing State lines to take the test in other states. And the number of marriage license applications have substantially been reduced. And of course the amount of revenue to our counties and municipalities has substantially been reduced.

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Only one other state in the country has ever passed the premarital AIDS test. That was Louisiana. And in their wisdom, six months later, they repealed their law. I hope that Illinois will do the same. This law is -- this bill is very strongly supported by the Illinois State Medical Society and the Illinois Nurses Association. I asked the Medical Society why are they supporting this repealer? And they say they're supporting it because, in truth, it is medically inappropriate. It is inappropriate to go after this population. This is the low-risk population. There are no symptoms for this disease. This is not good medical practice. It's not good public health policy. It's opposed by the Center For Disease Control, the National Public Health Institute. In the first year, there were only twenty-eight out of a hundred and fifty-five thousand applications. Only twenty-eight people tested positive. And of those twenty-eight that tested positive, a goodly number were false positives. Now I know that back home in the districts, there is some fear whenever the word AIDS is used. And there's a fear of voting. But the people in this Chamber have voted to test prisoners. You'll go home having voted to test prisoners. Having voted to test those people at sexually transmitted disease clinics. Having voted to voluntary test patients in hospitals. Testing people who are in drug treatment clinics and drug treatment centers. So we have taken steps forward in this regard. All of those individuals who are involved with this deadly and tragic disease emphasize that the key to this disease is education. Getting people to come in voluntarily, be counseled and be tested. Not be afraid to come in, and go underground. The people who have tested positive -- we're talking about mothers who are IV drug users and whose disease will appear in many other ways. Senator...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz can you bring your close -- your remarks to

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close, please. Senator Marovitz.

SENATOR MAROVITZ:

Senator Fawell asked me to put an amendment on this bill to also eliminate the test for syphilis, where the amount of cases found is far less than even the limited AIDS cases. Those people who have syphilis have other symptoms - abdominal pain - and will be treated correspondingly by their physicians. This is a bad idea. We made a mistake. We ought to realize we made a mistake, like Louisiana, the only other state did. Repeal this law as bad public policy and follow the medical profession, the Medical Society, the Nurses Association who are very strongly opposed to the current Premarital AIDS Testing Law, and very strongly in support of House Bill 18. I urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. There is nothing to prevent a couple from getting married once they've been tested and they find one of them has AIDS. But what about the innocent children that can result from a union like that? Perhaps those people who want to marry will -- think twice before have a child. I'd like to quote from April 21, 1989, Sun-Times addition, Dennis Byrne, from -- where he says, very nicely, quote, "But you can't convince me that the testing won't save tens, maybe hundreds, of innocent lives, that a child may be spared a life of pain and agony, a life so brief that it ends before feeling the bitterness that comes from knowing that someone cared too little to spend a lousy thirty-five dollars on a test." And then he also, in his article of Friday, June 9, 1989, Chicago Sun-Times, Dennis Byrne brings out the fact that last year the test turned up one exposure to AIDS among every fifty-nine hundred and seventy-nine marriage license applicants. So far this year, it's

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one in every two thousand three hundred and twenty-three. That's twice the risk of a child getting cancer from Alar-treated apples. And why not the same passion for the rights of children and spouses exposed to AIDS through marriage. Now, heterosexually acquired AIDS cases are doubling every year. And the virus may be entering the general population at the same alarming rate as it -- as it did earlier with the high-risk homosexual drug-abusing groups. The groups -- some of the groups that are in favor of eliminating this test are the Illinois Gay and Lesbian Task Force, the ACLU. I'm going to say this, Ladies and Gentlemen - I don't care what they do, if they want to get married if they AIDS, but my gosh, they should have a responsibility whether their going to have a child or not, 'cause that child coming from a union like that is going to get the AIDS, and that child is innocent and I think we have a duty to protect the children. So I'd speak against the elimination of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I don't think anyone would accuse me of not having a sense of humor, but I have a hard time laughing about AIDS. This is a very serious thing we're talking about here, and I think anyone who's studied the ramifications of this incurable disease understands how serious it is. And yet, I think what we're proposing here is a step backwards. I think what we're proposing here is to say this disease really isn't that dangerous or important, and that you really shouldn't worry about it, and if we all stick our heads deep enough in the sand, it'll go away. I don't think it will go away. When the original bill passed, the opponents, who now are the proponents, of this bill, said there would only be three or four positives a year. Yet, we talk about twenty-four positives a year, forty-four positives a year. This test has identified a

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much larger number than they claimed it would. And I guess your could argue that maybe if we could somehow get these people who get married to kick in an extra ten bucks to some fund, that the money would be better used for other things like research and what have you. But that's not what this bill proposes to do. I agree that this bill does not uncover a lot of positives. I'm quite thankful for that - or the test does not. My concern is, what happens if one year it turns up eight hundred positives? Next year fourteen hundred positives? With the testing system - and this is the only real random testing we have on a Statewide basis - we have some idea where this disease is being spread. All of us that live in the suburbs say, "Oh, that's something that just affects the City of Chicago or some small part of the City of Chicago." And yet, we were surprised, admittedly horrified, to discover it was in our counties and our towns too. But how did we know that it was in our towns or our counties? Because of the testing program, without violating anybody's confidentiality. Those statistics received a great deal of publicity, as well they should. You eliminate the testing program, you eliminate public awareness. And I guess all of us can go back to thinking that this is a problem in two or three sections of the City of Chicago. We can go back saying it doesn't affect us, and not worry about it. I don't think we want to do that. Think we want to keep this test going. Frankly, I hope it never turns up a lot of positives. But if it does, we'll take steps and we'll take dramatic steps. But without it, and particularly with all the confidentiality legislation that we've, I think, enacted - basically for good reasons - how will we know how this disease is spreading? How will we be able to get the time to react before thousands die? There's no testing program in place. No random testing. There's no way for society to know how this dread disease is spreading except this test. I would suggest to you that to repeal this test

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is to stick our heads in the sand and say it only affects other people - we don't have to worry about it. Even to the extent that we don't even have to have a random testing program which, in effect, is what testing people who are about to be married is. This is a bad idea. We would live to regret this. Well let's put it this way - I hope we all would live to regret it. But without this test, who knows?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. All of the points that I was going to make have been pretty much covered by the past two speakers. But I would like to say and reiterate what they have said in terms of saying that this test definitely should not be abolished. In the treatment of AIDS and in learning more about it - and God hopes that we -- we all hope that we will certainly find a cure to this disease. But who ever heard of researchers eliminating a whole category of society in trying to combat a disease of this nature? Education, as Senator Marovitz stated so aptly, is certainly a part of fighting this dreadful disease. But prevention is also a very, very necessary part of fighting this dread disease of AIDS. And unless we can test all areas, and I hate to tell you, but in the heterosexual community, the cases are increasing. We are now up to sixty-six cases, and I think that it is -- is very, very important for us not to eliminate this particular area of research in terms of AIDS and in -- in identifying these people that could pass on this absolutely fatal disease to yet-unborn children.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate.

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Well, there's nothing in the law today or nothing in the law, should we pass this bill, that would prevent any couple from having an AIDS test. Two people, when they get married, as Senator Geo-Karis said, want to go ahead and have an AIDS test. They certainly can. And when Senator Geo-Karis mentions the groups in favor of this bill, I hope you will loudly, loudly talk about the medical community that is in favor of this bill, the Illinois State Medical Society and the Illinois Nurses Association, the National Center For Disease Control, the National Center for Public Health, that are all in favor of this legislation. I don't think that our medical experts, our physicians, our nurses, our scientists would be in favor of this legislation and against this kind of test as public policy, if it weren't the right thing to do. They want to get rid of this dread disease. They want to stop its spread. They're for this bill and against this premarital test. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 18 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. ...(machine cutoff)... voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 28, none voting Present. House Bill 18, having failed to receive -- sponsor requests Postponed Consideration. Postponed Consideration. House Bill 34. Senator Jones. 72. Senator Marovitz. 158. Senator O'Daniel. 227. Senator D'Arco. On the Order of House Bills 3rd Reading is House Bill 227, Madam Secretary.

SECRETARY HAWKER:

House Bill 227.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill is the bill that deletes the maximum salary cap for a Cook County circuit clerk, and also permits a stipend for the clerk. And it has cost of living increases in here for various county officials, as well as the supervisor of assessments. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I think we all better take a good look at this bill. I certainly have no problem with raising the minimum of our -- our officials. In fact, it's long overdue. Unfortunately, that's not what this bill does. What this bill does is it raises...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Fawell. Ladies and Gentlemen, we have just a few hundred items remaining, so we go real fast. Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill does not raise the minimum of our -- our county officials, as I was originally -- I originally believed. What this bill does is it gives them a three-percent raise on their base, but their base is the salary that they are receiving as of July 1st, 1989. Now if that's what you want to do, that's fine. But don't kid yourself that what we're doing is raising the minimum salaries. We are increasing the salaries of every single county official with this bill. And it is a compounded rate for the years 1990 to 1993. Additionally, the sheriff shall receive a stipend of two thousand dollars, plus a thousand dollars, more if the county jail has more than a hundred

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beds, less than two hundred; two thousand dollars if the jail has between two hundred and three hundred beds, and three thousand dollars if the jail has more than three hundred beds. Warning - you better take a look at this bill and do as your conscience directs.

PRESIDENT ROCK:

All right. One more time. I'm going to asked the staff to please take the conferences off the Floor. We have less than two hours of work to do. Let's get at it. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in support of this, and yes, you know, I don't know why we're into this business anyhow, as somebody said to me, but we are. And the fact is, if your going to give somebody a three-percent increase per year, it's going to be three percent on the previous year's increase. And if you want to call that compounded, I guess it is. But maybe one of the reasons that it is three percent, it -- is that it's compounded. These people have not had a raise for awhile, and the only way they're going to get it is if we say they can have it. And three percent doesn't sound that unreasonable. And I suggest we do it.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. You know, I don't know about the downstaters, but at least in Cook County, we have a new clerk of the circuit court. And raising her minimum to fifty-five thousand, I don't think is unreasonable. Here is a woman who, at least in these early months of her administration, is doing a pretty good job. She -- she has employees of I think there are about four thousand people who work for her, and she's professionalizing her office. And I think she deserves -- I think she deserves more than the fifty-five thousand dollars that she's

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doing -- or she's receiving, or she would be receiving under this bill. Now if we put the partisanship aside and look on the merits of the bill - I don't know about the clerks in your counties, but the clerk in my county is -- is working very hard, and I think she -- she deserves an increase.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I also rise in support of the bill. It's my understanding, and Senator D'Arco can correct me if I'm wrong - which is doubtful, because he's not listening. But it's my understanding that the County Board Association, the group that has traditionally been, shall we say cool to county official pay raises, has, in fact, signed off on this, and that it is an agreed agreement. Now that's what I have been told. I assume the sponsor will confirm that. I would suggest to you, however, that the concept embodied in this bill of three-percent raises a year over a period of time is a very responsible way to increase elected official's salaries. I think that -- that when we get in trouble - and certainly we get in trouble on behalf of ourselves or other elected officials - is when we go for the high percentage jumps. I think that the county officials of this State deserves these raises. And I -- I know my own local county board members that I've talked to have indicated that they're supportive of this concept. And while I don't know that they know exactly what the bill number was, they certainly urged me to go along with this. And I would reflect that to the Members of the General Assembly, and suggest that this is a good concept and one that deserves your support.

PRESIDENT ROCK:

All right. Senator D'Arco may close.

SENATOR D'ARCO:

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Thank you. Mr. ...

PRESIDENT ROCK:

I'm sorry. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

I -- I'm sorry to raise for a second time, but I have been on the local government, and let me explain what we normally do. We normally set a base, a base. And the county board then has the right to raise salaries from that base. No county board can pay less than that. What we're doing this time, is we're giving everybody a raise. Now if you want to do that, be my guest. But that's not normally what we do. We normally say, "They can't pay under this." And what we have done this time, is we're giving every county official, irregardless of what he now makes - and frankly, some of my officials are making sixty-five thousand dollars - we're giving them a three-percent raise. If you think they deserve it, be my guest. But I'm just telling you that's not normally what we do in local government.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I hadn't planned on saying anything about this. And I know some of the others sitting in this Chamber have held the same position I have. But I want to tell you, as the past Chairman of County Board, when the County Board Association came out in support of this bill, tells me something. Because they've been very tight-fisted in opposition to this type of thing. This means that they realize that this is an obligation we need to address. More importantly, I can remember when we gave some stipend or some expense, I forgot which one it was, the county boards and a number of counties promptly reduced the salaries for that thirty-five hundred dollars. And the guy was hung out -- or he or she was hung out to dry. I urge all of you to vote Aye.

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PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. As I understand what's going on here, we are enacting a pay raise for county officials, to be paid by the counties. Now I suggest to you that that would be akin to the Congress enacting a pay raise for all State employees and expecting us to pay for it. This is silly. We shouldn't begin this practice. I urge you to vote against this.

PRESIDENT ROCK:

All right. Senator D'Arco, to close.

SENATOR D'ARCO:

Thank you. Mr. President, we're making a big to-do about not too much here. All we are doing is providing a cost-of-living increase for some of these county officials. I don't think that's asking too much. It's -- it's -- it's only reasonable that they should be entitled to, it and I would ask for a favorable vote.

PRESIDENT ROCK:

The question is, shall House Bill 227 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 19 Nays, 2 voting Present. House Bill 227, having received the required constitutional majority, is declared passed. That's it for Page 5. 424. Senator Hall. Hold. 497. Senator D'Arco. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 497.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator D'Arco.

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SENATOR D'ARCO:

Thank you. Mr. President, the original 497 had the reconnection provisions for utility customers who were disconnected for nonpayment of rent. And it changed the dates when they could apply for reconnection according to a payment plan. Then we adopted an amendment to the Energy Assistance Act which provided a mechanism for DCCA to pay utilities whatever shortfall would be forthcoming, as determined by the ICC under the IRAPP Program. And I would ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 497 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 497, having received the required constitutional majority, is declared passed. 498 was a hold. That's it for Page 6. Nothing on Page 7. Senator Newhouse, do you wish 713 called? Top of Page 8. Bottom on Page 8. Senator Welch, on 1085, which was subject to recall earlier. On the Order of House Bills 3rd Reading is House Bill 1085. Read the bill, please.

SECRETARY HAWKER:

House Bill 1085.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this amendment did to 1085 was create a vehicle for "An Act concerning the management of tires and associated vectors of disease." We have come to an agreement since this amendment was put on the bill this morning. We now

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have the new car and truck dealers okaying this agreement. The Retail Merchants and the Environmental Council, the Chamber of Commerce and IMA have become neutral on this bill. So we'd like to pass this over to the House and be put in a conference committee. And a recycling of tire bill will be placed on there. Be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 1085 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 52 Ayes, no Nays, 1 voting Present. House Bill 1085, having received the required constitutional majority, is declared passed. That's it for Page 8. Page 9 on the Calendar. 1469. Senator Welch. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 1469.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. 1469 is basically two pieces of legislation. The original bill is one that Senator Kustra argued on behalf of the other day, in -- in the most part. And that is it concerns a subsidiary corporation which is not allowed to include any fines in its base. We changed the objectionable parts of that bill. The second part of the bill, the amendment, prohibits the Commerce Commission from including in its rates any expenses for audits of power plant construction costs, unless the audit expenses are incurred in connection with the existing

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statutory audit requirement. Right now, we have one company out there that did audits that cost one hundred million dollars. They're now trying to get consumers to pay for those. And they're trying to get the Commerce Commission to agree. The Utility Act allows for audits to be conducted at the behest of the Commerce Commission. What -- these audits that we're trying to keep from the rate base are duplicate audits, audits that track, audits that are required by the Public Utility Act, that I think all of us voted for two years ago. So the purpose behind this bill is to basically reduce cost to consumers. And I think this is about the only utility bill left that will do that, in either the House or the Senate. So I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 1469 pass. Those in favor -- I beg your pardon. Senator Maitland.

SENATOR MAITLAND:

I'm sorry, Mr. President. Maybe I didn't get my light quick enough. I thought it was on. Senator Welch, I have really two questions. Just briefly explain to the Body the first part of the bill, will you, please?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

What the first part of the bill does is -- it amends the Public Utility Act concerning the disallowance of certain expenses for those utilities, so that they don't pass them on to consumers. It prohibits the Commerce Commission from approving those rates for power purchased by a utility from a power plant operated by an unregulated subsidiary, unless the rates are less than or equal to rates charged by alternative sources for such power purposes. That provision is supported by Public Action Council and Citizens

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Utility Board. Do you need anything further?

PRESIDENT ROCK:

Senator Welch. Senator Maitland.

SENATOR MAITLAND:

Well, thank -- again, we've argued this issue before, I think, and -- and for our way -- for at least my way of thinking, this is a legitimate pass-through, and one that ought to be -- one that ought to be considered, in the first part of the bill, and I -- I strongly object to that, as I have before. And the other one -- I don't know what we mean by duplicate audits. What -- what is wrong -- what is wrong with a utility, and -- and what we're saying here, planning ahead -- planning ahead the possibility of --of determining whether or not they're going to need replacement plants, and the cost of that being contained -- being contained in the rate base? What's wrong with that?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, there is no prohibition in this bill to prohibit a company from doing that. In fact, we do allow the utilities to perform audits that are included in the rate base, when they're required by the Commerce Commission. What I'm trying to prohibit here is that duplicate audit. Once the Commerce Commission requires an audit, why should the company have to do a second one at -- at extremely high costs, and then tell us, as consumers, that hey, now we got to pay for two audits.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Well, Senator, I understand the audit that's required, but again, we're talking about an audit here that's done by a company in anticipation of future needs somewhere down the road, and we're

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saying to them that any of that cost cannot be considered as a cost of doing business. And I -- I really think that's the wrong approach. You and I both know -- you and I both know we have some fossil fuel plants in this State that are -- that are one day soon going to be going off-line, and we're no doubt going to be needing replacement plants. What's wrong with planning ahead and being able to recoup that in the rate base? I happen to think it's all right.

PRESIDENT ROCK:

Is that a question, Senator Maitland? I -- I don't -- that sounded like a statement to me. Is there any further discussion? Further discussion? Senator Welch, you may close.

SENATOR WELCH:

In response to Senator Maitland, there's absolutely nothing wrong with that. That's why this bill doesn't affect that. If it's a future construction, they can do an audit if they want, Senator Maitland. What I'm trying to say is that once you have constructed that, and the Illinois Commerce Commission says, "we want an audit," that first audit can be included in the utility's rate base. It's the second audit, the duplicate or shadow audit, that we're paying for audits twice. That's the prohibition. Senator Maitland, I agree with you one hundred percent. We're on the same ground on that. I would urge an Aye vote on this bill.

PRESIDENT ROCK:

The question is, shall House Bill 1469 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 24 Nays, 1 voting Present. House Bill 1469, having failed to receive the required constitutional majority, is declared lost. 1473. Senator Carroll. 1497. Senator Schaffer. 1557. Senator Schaffer. On the Order of House Bills 3rd Reading - we're on the

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top of Page 10, Ladies and Gentlemen - is House Bill 1557. Read the bill, please.

SECRETARY HAWKER:

House Bill 1557.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this is the -- I guess we'll call it Delayed Action Mandatory Recycling Bill. It -- as it reached here, would have required all counties over a hundred thousand to implement mandatory recycling by January 1, 1999. And of course, apparently the Municipal League didn't read the bill in the House. In the Senate they did read it, and said, "We really can't make that." And the City of Chicago had some pretty legitimate concerns about how do people recycle in high-rise buildings where garbage shoots are -- are used. I guess you get this idea they throw your tin cans in first, then your bottles next, et cetera. The bottom line is, we've attempted to amend the bill to address those concerns, to delay implementation to January 1, 1994, at which time not only would this bill go into effect, but a number of other pieces of legislations go into play. Plus some pilot projects that will be starting this fall will have had time to move forward. But we've attempted to address the concerns of the major cities, but we've also left the door open for any county over a hundred thousand that wishes to move faster than this timetable, to do it by county ordinance. And there hopefully are some counties that are prepared to get into this type of recycling program prior to 1994. I think all of us are tired of seeing our landfills fill up with things that should be recycled. It's getting tougher and tougher to find landfill

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sites. This bill is aimed at moving us as quickly as possible towards recycling. I think some of us might move a little faster than this, but it is a compromise. I -- I hope it's one that everyone can live with. Be happy to answer any questions, and appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1557 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 49, the Nays are 4, 1 voting Present. House Bill 1557, having received the required constitutional majority, is declared passed. 1621. Senator Rock. On the Order of House Bills 3rd Reading is House Bill 1621. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 1621.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the bill that pertains to the additional leadership requests in the General Assembly. The House sent 1621 over here, requesting two additional majority -- assistant majority and two additional assistant minority leaders. That has been left intact. And we have added, by this amendment -- by an amendment, one additional leadership for the majority and one for the minority in this Chamber. In addition, this would provide for a six-thousand-dollar stipend to be paid to committee chairmen and minority spokesmen and the Leaders of this General Assembly, with

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the exception that the Speaker and the Democratic Leaders would not participate, at their request. We have further provided for an eighteen-thousand-dollar increase in the General Assembly district office allowance for the Members of the Senate, and a ten-thousand-dollar additional amount for the House. And we have specifically added language authorizing - authorizing, not mandating - authorizing Members if they so wish, to utilize part or all of their district allowance money for the purpose of employing district office assistants. The final provision pertains to the Constitutional Officers' pension. As I'm sure you're all aware, the Governor and the Constitutional Officers are, in fact, part of the General Assembly Retirement System. They are capped, however, currently, at the salary of the Speaker and the President. This would afford them the opportunity upon retirement, to enjoy a pension based on their salary, as opposed to the cap -- the salary of the Speaker and the President. I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1621 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 20, none voting Present. House Bill 1621, having received the required constitutional majority, is declared passed. 1721. Senator Luft. Page 11. 1737. 1737. Senator Marovitz. On the Order of House Bills 3rd Reading is House Bill 1737, Madam Secretary.

SECRETARY HAWKER:

House Bill 1737.

(Secretary reads title of bill.

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 1737 sets time parameters for demanding, serving and responding to a pleading for a bill of particulars, and allows the local public entity to be immune from liability regarding property for which it grants a lease, license or easement, only if it is the beneficiary of liability insurance obtained by the licensee or lessee which is in -- which is sufficient. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? We've got all kinds of lights on. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We'll just try to make this brief. Senator, two -- two quick questions. Number one, why are we doing this? And then, how many easements are going to be affected by this amendment -- or by this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I can't say how many easements will be affected; it depends on how many easements are granted by forest preserve districts and public entities, and any -- any easement that's granted, there'll be insurance to cover liabilities and no -- no immunity from liability for the lessee or grantee of an easement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

This is not just for forest preserves. This is for

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municipalities and everybody. I just don't think this is a good idea. And I don't know what purpose we're really serving with it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, my concerns are the same as Senator Jacobs. I think this amendment just went on earlier today, and it didn't have much of an explanation. I think this is the sort of thing that if it's to be considered at all ought to be done earlier in the Session, inasmuch as we are adding at least some additional liability exposure to all units of local government. The protections afforded under the Local Governmental Tort Immunity Act, which we strengthened as part of Senate Bill 1200 - really the one -- the one -- or at least one of the very few good things that came out of that legislation in 1986 - are being somewhat weakened by this proposal. And for that reason, I urge No votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Question of the Sponsor. Senator Marovitz, why is the Municipal League against these two amendments? Can you explain what -- what their logic is or what the problem with the Municipal League is?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I can't imagine why they're against two -- first of all, one amendment is strictly technical, so I don't think they could possibly be against that. It's strictly technical. And the second amendment is to protect municipalities from any liability, in case they grant an easement or a license or a lease to anybody

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on their property. It's to protect the municipality, that Senator Jacobs asked about. It's to protect the public entity - the forest preserve district, the park district or the municipality - from liability. Not to increase their liability, but to protect them from liability. That's what this amendment does. It's to protect them from liability and make sure that whoever they grant an easement with takes out insurance -- liability insurance. So this is intended to protect the municipalities, not in any way to increase their exposure of liability.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 1737 -- Senator Schuneman, the Gentleman had closed. The question is, shall House Bill 1737 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 18, the Nays are 33, none -- 1 voting Present. House Bill 1737, having failed to receive the required constitutional majority, is declared lost. 1754. Senator Marovitz. On the Order of House Bills 3rd Reading is House Bill 1754, Madam Secretary.

SECRETARY HAWKER:

House Bill 1754.

(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. House Bill 1754 provides that the condominium association must authorize the management company to place the association's reserve funds in a single account with the reserve funds of other associations, and that the management company must keep separate

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accounts for each association of the funds held by the management company for the association. It also provides for the establishment of voluntary arbitration of disputes among unit owners. The amendments were drafted by the Realtors, who are in support of the legislation, as are the condominium associations. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? We're not going anywhere. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand there was an amendment put on this bill which deleted the rights of -- of a unit owner who is denied information from the association. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

No, that's not correct. That's not correct. It does not deny - in fact, it's exactly the opposite. As a matter of fact, I have so many condominiums in my district that my intent is to protect the unit owners and not to deny them any information.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis. All right. Further discussion? Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Marovitz, it's my understanding that the amendment on this bill that deals with being able to keep all the money together from the different associations in one account, is only if that's going to be

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invested.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

So that if -- if -- they're not going to invest it, they would have to keep it separate. Okay. Well, then, thank you, Mr. President. I rise in support of this amendment. What it does is give unit owners an arbitration or - it doesn't mandate it but provides them a place to go to give their complaints against their association board. And that's what we're trying to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Just to solicit your Aye vote. The Realtors are -- support of this legislation. The condominium owners support this legislation. I know of no opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1-7-5-4 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 1-7-5-4, having received the required constitutional majority, is declared passed. Bottom of Page 10. I skipped over 1721. Senator Berman. On the Order of House Bills 3rd Reading is House Bill 1721. Bottom of Page 10. Madam Secretary.

SECRETARY HAWKER:

House Bill 1721.

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(Secretary reads title of bill.

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. Mr. President and Ladies and Gentlemen of the Senate, House Bill 1721, as amended, addresses the distribution of money from DASA for grants for drug prevention programs. In the deliberations of the Appropriations II Committee, it was determined that many of the plans were very vague as to how these funds are to be distributed. There was a request built in for this budget, which is still within our prerogative, to increase this by two million dollars, which will bring them up to somewhere between six -- approximately six million dollars for drug prevention programs, which is very nice, except nobody really knows - and even DASA isn't sure - just where that money is going. What House Bill 1721 seeks to do is to require that DASA substantially - that means if there's some leeway - conform in the distribution of these drug prevention programs in accordance with the incidence of drug arrests throughout the State of Illinois. Let the money go to where the problem is. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator, you indicated - I don't have a copy of the amendment in hand here. And I don't recall seeing it when this was put on a few moments ago. You made -- an attempt there, an effort to

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indicate how that money was going to be apportioned. Could you be a little more specific? Are the words only that the Department attempts substantially - that was the word that was used, I believe - to apportion the money according to the number of arrests? Can you be more specific than that, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Let -- let me read you the language. It's only one -- the main paragraph regarding Statewide distribution. "With respect to any funds granted by the Department to any public or" not-for -- "not-for-profit private entities in this State for alcoholism and substance abuse prevention service programs, the decision to grant funds and the amount of such funds granted to any entities within a county shall be substantially based on the number of drug-related arrests that have occurred within that county, as reported in the most recently available Uniform Crime Report compiled by the Department of State Police, compared to the number of such arrests Statewide."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell. I'm sorry. Senator Etheredge. I beg your pardon. Senator Etheredge.

SENATOR ETHEREDGE:

All right. So that it would be based upon the number apportioned, substantially based on the number of drug-related arrests. You know, does -- does anyone have any idea as to what impact there will be as a consequence of the enactment of these words into law? What impact will that have? What changes will occur as a consequence of this enactment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

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Well, I would hope that the carrying out of this law will mean that we're putting drug prevention money where the drugs are the greatest problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, I certainly support that. We ought to put the money where -- where the -- where the problem is. But I would suggest to you that we've been -- that, that is the case now. I would like to -- I would like to know, before I sign on to a program which we have -- absolutely no idea what kinds of changes are going to take place. Remember that DASA works through community-based programs. I'm sure that if there's -- if this has -- creates -- does anything at all, then what it is going to do will be to redistribute money among existing programs. I certainly would like to know what the redistribution is going to look like. And I'd -- I would think that would be true of every other Member here. I think that we should resist this effort. It may be a good idea. But we don't know if it's a good idea or not. I think we ought to take a longer look at this. This amendment was just presented a few minutes ago, quite literally. I think this premature. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Excuse me. Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Senator Berman, I don't have the amendment, and you said the money would go to -- for drug prevention, depending on the number of arrests. Are we saying it's going to be proportioned by just

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the number of arrests, or are we going to have it distributed on proportion by the number of arrests to the population of the community that has such a facility operating?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Give that to me again. I'm not sure I understood the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

You have said DASA would have to redo how they grants. And it's going to be based on the number of arrests. My question to you - is it going to be based on the total number of arrests in each community, or the percentage of the arrests to the total population of the community per thousand people?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Well, let me give you this answer. I'm not sure it answers your question. The formula provided in this bill, for example, says that, "the number of arrests in Sangamon County." If that represents ten percent of the arrests Statewide, Sangamon County ought to get ten percent of the drug prevention money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President, based on that explanation, any of you who have a community operation on drug abuse, drug prevention, better think twice before you take all the money away from your -- your area. Because it's not going to be any coming, or very little coming to other areas of the State other than one municipality in

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this State. And I agree with Senator Etheredge. This isn't getting to the problem, because the biggest problem we have - DASA is doing a good job - we just haven't funded enough for the grants to go over to those community operations that are going on. Whether they're in place, to my observation, and being closely associated with the Gateway House here - have been the founding fathers of it - which works a very good program, I urge all of you to vote No, or it's all going to leave your area and go to one area of the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

END OF TAPE

TAPE 7

SENATOR WATSON:

Well, thank you, Mr. President. A question of the sponsor, first of all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Well, Senator Berman, I'm sitting here and I -- looking through my Calendar, and it says Senator Luft. I go through my analysis book, I see Senator Luft. I look for your proposal, I find nothing. I ask our staff, they say this just went on a half-hour ago. We have no idea what this is. I'm a Member of the Education Committee, and I've heard you say many, many times in there, that the Committee process is where this belongs. That we -- we won't circumvent that, and that -- and you're doing that

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right now. And this is not a good legislative agenda or legislative initiative to do this to us at this particular time at the -- at the eleventh hour, and expect us to vote on something like this intelligently without the proper information in front of us. So, I don't know if that's a -- that's not a question. I'm just against this. For the principle alone - the fact that we haven't had a chance to look at it. I really don't know what we're doing here. And so, vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you. Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you. First of all, Senator Etheredge and Senator Watson, let me tell you why this is here at this hour. I abided by the committee process, but in deference to DASA, I wasn't a stickler for the process. And let me tell you what I mean. Our staff -- DASA came in and asked for two million dollars more for drug prevention programs. Our appropriation staff asked them to itemize where that money was going to go, and where the old money had been spent. They received double-talk - not documentation. If I abided by the committee process, we would have taken all of that money away from a committee -- from a agency that couldn't justify their expenditures -- past expenditures, let alone future expenditures. But in deference to them, in deference to them, I withdrew it. I had a amendment on their appropriation bill to strip the two million dollars of new money. And again, in deference to them, I withdrew that amendment. Now they've given me charts of where their past money was. They can't even tell me where the future two million is. In my discussions with DASA, I said, "You know, it would seem to me that where the problem is, is where the money ought to go." "Certainly Senator, we're in agreement with that." I said, "Would -- since you can't tell me where the new two million is going to go, do you mind if I put

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that into a bill?" "Well, we'd certainly will abide by that." Now, I put it into a bill, they're not happy with it. Okay? Now, why aren't they happy? I can't tell you. But if this makes sense to you - it makes sense to me - let me suggest this, Senator Etheredge. The amendment is logical. Now that doesn't always prevail around here, and I understand that. Let me suggest we put this on. It's an amendment to a House bill. Let's all sit down with DASA, 'cause I don't want to be vindictive and cut two million dollars of new money, not knowing where it's going to go. I want to be fair to them, but I sure want to be fair to the people that have drug problems and may not be getting the money. I ask your support - put the amendment on, we'll talk for the next week. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1721 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 25, 1 voting Present. House Bill 1721, having failed to receive the required constitutional majority -- Senator Berman has requested Postponed Consideration. Postponed Consideration is so ordered. Bottom of Page 11. 2-0-4-5. Senator Keats. Page 12. 2-0-4-8. On the Order of House Bills 3rd Reading, top of Page 12 is House Bill 2-0-4-8, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2048.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2-0-4-8, unamended, represents an attempt by the Taxpayers Federation and the Illinois Economic and Fiscal Commission to take the current motor fuel tax distribution formulae and make one formula out of what is currently two. As you well know, back in 1983, that we did a substantive revision to the formula, and there are literally two motor fuel tax formulas, pre - and post-'83. It was thought in the best interest of the local officials who live and work with this formula, that they would be better able to determine their formula allocation if indeed they were dealing only with one. And so that is all it does. It is the identical, same allocation. There is not a dollar diverted, other than where it should be. It attempts to make, out of this Tower of Babel that is the current formula, some reason and some sense. It is purely technical, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is -- discussion? The question is, shall House Bill 2-0-4-8 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 2048, having received the required constitutional majority, is declared passed. 2117. Senator Savickas. ...(machine cutoff)... 2123. Senator Davidson. House Bills 3rd Reading is House Bill 2123, Madam -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2123.

((Secretary reads title of bill))

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

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SENATOR DAVIDSON:

Mr. President and Members of the Senate, this bill is from the State Employees Awards Committee, and it does two things with the amendment. It's been amended -- two of them. One is a suggestion by employees which possibly evidence a violation of the law or abuse of the authority, to be referred to the appropriate investigatory or law enforcement agent for consideration. And secondly, what we put on was the Administrator of the State Employees Self-Insured Program will pay the bill sixty days -- all qualified bills, sixty days -- within sixty days when they have received them. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2123 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 2123, having received the required constitutional majority, is declared passed. 2275. Senator Watson. 2310. Senator Maitland. House Bills 3rd Reading, bottom of Page 12, House Bill 2310, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2310.

(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 2310, as amended, I believe represents now a virtually agreement by all parties. It was -- had been amended two or three times this week, and I -- I believe that we have met all the

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objections. Let me just briefly say that it makes a policy statement in regards to nuclear safety in Illinois. It gives the Department the statutory authority to work with the NRC on memorandums of understanding. It allows DNS to establish a program for inspection of boilers and pressure vessels, to allow DNS to charge a fee for inspection and escort of high-level nuclear waste. And places a fifty-thousand one-time fee and fifteen-thousand annual fee on Allied for development and furtherance of a safety program. There was some concern about preemption in this bill. I believe we've addressed all those problems. I would be happy to respond to any questions, otherwise I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. I -- John, I didn't hear you mention, and I want to know if this changes - Argonne National Lab still exempt? Wasn't that in this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

There was an amendment that removed the provision that would require a resident engineer inside of the nuclear facility. Is that true? Was the -- was there -- that requirement removed?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

That is correct. It's just a pilot program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rea.

SENATOR REA:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Rea.

SENATOR REA:

Senator, does this bill impose any new cost on nuclear facilities?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

I don't -- no, it does not. I think perhaps, you might be thinking of -- of another bill, Senator Rea. But this one, as far as I know, does not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Well, in particular, Allied Chemicals. Does this create any new cost to their facilities?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes -- yes, Senator Rea. I believe I indicated that it does create the fifty-thousand dollar one-time fee, and then the subsequent fifteen-thousand dollar fee that we talked about yesterday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Rea.

SENATOR REA:

Okay. Are there -- who would -- who would bear the cost of -- of those expenses? I know that, for instance, where the utility companies, and like Commonwealth Edison - they can pass on the cost. Is this also true with a nuclear facility?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator, this would be a cost for Allied. Yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

But Senator, we're not just talking about new fees here. We're talking about new costs that were not imposed before. Is this correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Rea, I -- I think I understand your line of questioning. You're talking with respect to the plan -- the new plan for Allied that would be -- that they would be asked to participate in. The answer is yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Mr. President, I still have some real questions about this particular legislation. And I rise in opposition to it. I think that the Department of Nuclear Safety has not given enough attention to this matter. I think that some of the others may want to take a very close look at this. I would hope that they would take another year and really look into this and work with

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those facilities. Because in some instances, this could have a serious effect on these additional costs. And serious effects as far as jobs are concerned, as far as economic development. And until they've put together a more solid plan, I feel that we should be in opposition to this bill, send it back to committee, and try to work this out over the next few months.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jerome Joyce.

SENATOR J.J. JOYCE:

Yes, thank you, Mr. President. I rise in support of this. I -- I -- I Senator Rea, I understand where you're coming from. But in my district, General Electric has a nuclear facility where they store spent fuel rods. And I believe they're paying substantially more - and have been over the years - and they can't pass that onto to -- to the rate payer either. Allied, I think, needs some help down there, and I think it might be pretty -- pretty reasonable - this fee that we're charging them for the Department of Nuclear Safety to get involved with them. I -- I think that -- I think it's -- I think it's pretty fair. I think it came in and I -- I don't know, but I think it came in at a lot more money than this. I -- I think Allied might be -- Allied might be considered pretty lucky to be getting off this cheap.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Maitland may close.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I am -- I believe the bill is in good form, and I would appreciate the Body's support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2310 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

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wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. House Bill 2310, having received the required constitutional majority, is declared passed. 2321. Senator Daley. On the Order of House Bills 3rd Reading, is House Bill 2321, Madam -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2321.

(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. This bill creates a mechanism for building a new Blackhawks and Bulls indoor stadium on the parking lot south of the existing stadium. As I stated yesterday, the -- the bill has four main points. Number one, a quick-take for part of the land to be used for the stadium and parking lot. The City of Chicago will have the authority to acquire the property and resell it to the stadium venture at its cost. A new property tax classification, which -- which sets a twenty-percent valuation and establishes a minimum property tax of one million per year and -- and provides for the tax to increase as the stadium income increases. Three, it would protect the stadium from being voted dry. And four, it also protects Wrigley Field from being voted dry. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in support. Of all the proposals I've every seen for any type of sports facilities, this is definitely the most reasonable. It basically asks us to give them some powers that they need to build the stadium. A minimal

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amount of money for infrastructure to improve the area and access to it. And I think it's going to be a tremendous asset. And if you know anything about that area at all, you know that it definitely needs some help, and this will do it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I also want to echo my support of the -- this fine proposal. It's really been a cooperated effort between the City of Chicago and the community groups, and they really came up with a very good agreement. In fact, if you read the newspaper about two or three weeks ago, the City of Chicago made sure that the homeowners in their respective area were well taken care of. An agreement was signed. I believe that the homeowners in that area now realize the fact that in cooperation with Mr. Wirtz and the Chicago stadium, their interests are going to to be protected. I think that what's requested in this bill is quite reasonable. The payment is really a finance -- by a private financing. It's a good deal for the Blackhawks, it's a good deal for the Bulls, and it's a good deal for the people in Chicago and the State of Illinois. I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Yes sir. I'm up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I want to support the legislation of House Bill 2321. I merely want to say to the sponsor and to all of those who are

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involved -- because I had communications today with some of the people who are residents on the west side. I merely want to say it for record's sake, that all of their promises that have been made by the persons involved, that they will come through, and that the persons who are giving up their homes and living in that area will be completely satisfied. And with that, I say I support the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall House Bill 2321 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 21, 1 voting Present. House Bill 2321, having received the required constitutional majority, is declared passed. Page 13. Top of Page 13. 2328. Senator Berman. Top of Page 13. 2328. 2334 we called this morning. 2374. Senator Welch. House Bills 3rd Reading is House Bill 2374, Mr. Secretary. Please read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2374.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill basically is an amendment put on by Senator Maitland just today. The bill is a proposal by the Illinois Construction Industry Committee. And the idea behind the bill, I think, has been misrepresented in several documents that have been passed out to most of the Members here. Let me tell you the reason for this bill. We passed four different laws

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that put the construction industry itself at risk. The laws we passed are the Environmental Protection Act, the Asbestos Abatement Act, the Hazardous Waste Crane and Hoisting Equipment Operators Licensing Act and the Hazardous Waste Laborers Licensing Act. If a person goes on a site and is not told there is hazardous waste there, he can't continue to operate on that site. He'll be in violation of a State law. What he does is illegal. He has to stop. If he goes into a building and there's asbestos, he may be in violation of the Asbestos Abatement Act. He has to stop. What this bill does is codify those rights of a contractor to stop doing the work while the owner of the property lets him know what he should do next. He can continue to be hired to work on that property, but obviously there, perhaps rightly, should be some change in the contract that's been negotiated. What this bill says is that if the owner of the property knew or should have known that the land or the structure itself or the construction is to be performed has the presence of hazardous substances, then the rights of contractors kick in. And these seem to be very basic rights, and that is to protect themselves, both -- both physically and economically. And I think most of the sheets that have been passed out have really distorted what the bill's intention is and what the bill will do. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

In what format will this disclosure be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Welch.

SENATOR WELCH:

Well, the disclosure is to be in the written specification for the bid. So when a person bids, they know what they're getting into. If there's asbestos on the property, they know it beforehand, so they can make a bid. Or if not a formal bid, then it has to be in writing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, there's nothing about the format - of how this disclosure is going to come out - in the bill. And I worry about this bill, because there is no quantity limit which can trigger the disclosure. For instance, is it one pound of hazardous substance has to be disclosed, or what? Also, I think -- I think -- we're -- if we -- and much as I'm sympathetic to the purpose of the bill, this bill's provision would allow contractors to terminate performance on a large job site, which could lead to chaos. I mean, there should be other ways of going into this, and I -- this bill does not require, does not, I repeat, require that anyone be harmed by the presence of hazardous substances in order for the contractor to break the contract and receive damages. All that is required is that some unspecified quantity of any of thousand -- of thousand -- any one one of a thousands of hazardous chemicals or waste could be unreported, discovered on the job site. I might tell you that the Illinois Coal Association, the Illinois Municipal League, the Illinois Farm Bureau, the Illinois Retail Merchants Association, the Illinois Association of Realtors, the Homebuilders Association of Illinois, Illinois Chamber of Commerce, Illinois Manufacturers Association are all opposed to this bill. I think this bill is rather loose. I think what we

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should do is probably not support it now, but come out with a bill which is a little more specific and fair to the contracting business as well. And therefore I rise to oppose the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland, I think Senator Geo-Karis just took your time. I'm -- Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President and Members of the Senate. I rise in support of House Bill 2374, as amended. And I -- I believe that Senator Welch did an excellent job of explaining the -- the bill which -- which of course has met with some controversy among a number of groups across the State. I for one will tell you that there no doubt needs to be some more work done on this amendment. And I have told both sides of this issue. And I -- I'm convinced that when this bill leaves here, there will be further negotiation on it later on. I -- I think you have to understand and respect the position of the contractors. You know contractors aren't going to close down a job just for the sake of closing it down. They're there to make money. And they're between a rock and a hard place on this one. It's got to be dealt with. It's up to this Body to do it, and I would urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch may close.

SENATOR WELCH:

Well, just let me agree with Senator Maitland, that I think that there should be some more work done on this bill. But the underlying fairness of this legislation, I don't think can be denied. If a person is working on a project and he finds hazardous waste, you can't expect him to continue to work. The amount of hazardous waste can be minute. Certainly, Senator Geo-Karis, that's true. But it's the minute amount of hazardous

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waste that can cause cancer or some other disease. That's the way life is. We intend to work on this bill. I think that it's very fair proposals, and I think that most of the reaction on the part of those in opposition that have been read is basically overreaction. I think that we need some protection for contractors so that they can have some fair dealings with the contractees. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 2374 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 45, the Nays are 12, 1 voting Present. House Bill 2374, having received the required constitutional majority, is declared passed. 2383. Senator Jacobs. 2431. Senator Zito. 2513. Senator D'Arco. On the Order -- I beg your pardon. I skipped one. Beg your pardon. House Bills 3rd Reading is House Bill 2491, Madam -- Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2491.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This created a Pre-apprenticeship Training Board to assist those persons seeking apprenticeship with construction trades but who needs assistance in meeting entrance standards. This creates a Pre-apprentice Training Board in conjunction with the Illinois Community College and Chicago City Colleges. The pre-entry-level training program shall create for those persons who are seeking entrance into the established

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construction trade apprentice program, but who needs assistance in meeting this requirement. The Board will consist of one each -- one each by the Governor and four legislative leaders, three by the construction trade unions, two by Employees Association of Contractors and one by the Chancellor of -- Chicago City College. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, if the sponsor would yield to a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Savickas.

SENATOR SAVICKAS:

Senator, as the bill was introduced, it called for "The authority may establish an on-the-job training program for unemployed veterans of the United States Armed Forces." The amendment deleted the words "veterans of the United States," and put in lieu thereof, "low-income persons." Why are the veterans removed from this and changed to just low-income persons?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

I think you have the wrong bill. That's 2491. House Bill 2491 -- never, ever did the bill say anything about veterans. And I have the original that was sent over from the House. It amends the Housing Development to provide that the Illinois Housing Development Authority may establish an on-the-job training program under which, pursuant, and so forth and so on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, I'm reading House Bill 2491 from the House of

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the State of Illinois, introduced April 7, 1989. Representatives Williams and Young. And with an amendment that was adopted in the House. Now, I've got -- the bill I'm reading is LRB8602007whkb. Now -- and the House amendment took out unemployed veterans of the United States Armed Forces, and substituted low-income persons. And I just wanted to know why.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

I can't answer that question why it was taken out in the House. I know that the bill that I have and the bill that is amending so that we can, in low-income areas, train people to go on to job forces. Now we have previously passed several bills in here to do things for veterans. I just passed one to do some for veterans in training and scholarships yesterday. But this one has nothing to do with veterans as I stand here with it here now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpriel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I believe that the amendment that was put on in the House is the amendment that took out the original language which referred to veterans. The Senate amendment, of course, takes out all the language that came over from the House, and now becomes the bill. And on that, I have a question for Senator Brookins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins. I'm sorry. Senator Karpriel.

SENATOR KARPIEL:

Senator Brookins, if this is going to go to conference, do -- would you be adverse to putting in the Community College Association?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Brookins.

SENATOR BROOKINS:

I would not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Fine. Because -- because you've completely taken out downstate from this bill by - by having -- by not including them. And since we are talking about a Statewide program, I think they should be represented on this Commission.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question? Senator Brookins, would -- if this goes to -- if we pass this bill out, would you give me your assurance that you will include the words "veteran" in there again? Because that amendment had taken them out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Yes, I will.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Brookins may close.

SENATOR BROOKINS:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2491 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 26, the Nay are 20, 4 voting Present. House Bill 2491, having failed to received the required -- Senator Brookins.

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SENATOR BROOKINS:

Postponed Consideration, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins has -- has -- requests Postponed Consideration. All right. Leave granted. 2513, House Bill. Mr. Secretary, read the bill, please. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Earlier today, the sponsor of that bill recommitted 2513 to committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Not according to my Calendar.

SENATOR DAVIDSON:

According to mine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, 2515 was recommitted, but not 2513. Senator Davidson.

SENATOR DAVIDSON:

I stand corrected, but please have him enunciate a little cleaner next time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Davidson, we accept your apology. House Bills 3rd Reading, House Bill 2513, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2513.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

I'm getting real tired, Mr. President. 2513 is a shell bill. And it relates to the problems of abandoned vehicles. And we're trying to work out a solution to this very serious problem. So we

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want to send it to a conference committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Seeing as this -- according to our analysis, it's going to cost fifteen thousand -- I mean, fifteen million two hundred thousand dollars from the Road Fund. I'd like to have some real guarantees, sort of in blood, that that's where it's going.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. No, I -- we took all those amendments off that cost money, Senator Fawell. So the bill in effect, is a shell bill, trying to deal with this very serious problem, and if they can work it out in conference, we'll see what happens.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR DAVIDSON:

Your amendment took all the money out. That's true. But when it comes back from the conference committee, which you say it is, are we going to still see the fifteen million two hundred thousand dollar minimum raid on the Road Fund which says the towers will receive not only what the value of that vehicle they sell for scrap, but they also will get a minimum of fifty dollars from the Secretary of State out of the Road Fund. Will that -- will we see that language in the conference committee report?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator D'Arco.

SENATOR D'ARCO:

Yeah, I agree with you, Doc. I think that was a bad amendment, and that's why I took it off. And if I ever see that amendment again, you can betcha, I'm going to -- I'll -- you know, just dump it down the tubes. I don't like -- I didn't like it either, Doc. I really didn't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, Mr. President. A question, if you don't mind, as to what amendments are actually on this now? We -- I'd like to have the Secretary clarify as to what amendments are on and what aren't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the sponsor will be able to clarify that. Senator D'Arco.

SENATOR D'ARCO:

Yeah, there's a technical amendment on it deleting a word or two. Just so we can get it to conference. Just a parliamentary procedure to get it to conference. That's all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson. Question is, shall House Bill 2513 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 30, none voting Present. House Bill 2513 is declared lost. 2514. On the Order of House Bills 3rd Reading is House Bill 2514, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2514.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, this bill has to do with the Illinois State Toll Highway Authority. It's their bill. They want to do some things. We're not sure exactly what, at this point. We are asking that it be sent to conference, and we'll see what the Illinois State Toll Highway Authority has to say in conference committee. And I would asked for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Do we have, not only your guarantee, but the House sponsor's guarantee that this little bundle will definitely end up in a conference committee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, there's nothing in it in this point, so I guarantee you it'll end up in a conference committee. And the -- House sponsors will...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator D'Arco, you are expanding the quick-take provisions. Just how far have you expanded them in this bill? This -- it would take -- quick-take of property?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

I don't know. How far do you want to go? No, this -- this --

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this does not expand the quick -- quick-take provisions, because we deleted that amendment, Geo-Karis - I mean Adeline, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Dear Senator, I guess that part was taken out, so you don't have to worry about it, John.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 2514 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On this question, the Ayes are 32, the Nays are 24, 1 voting Present. House Bill 2514, having received the required constitutional majority, is declared passed. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Thank you, Mr. President. Let's verify this nothing bill. Okay?

PRESIDENT ROCK:

All right. Senator Watson has requested a verification. Will the Members please be in their seats. Mr. Secretary, read the affirmative roll, please.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Barkhausen, Berman, Brookins, Carroll, Collins, Daley, D'Arco, Davidson, DeAngelis, del Valle, Ralph Dunn, Thomas Dunn, Etheredge, Fawell, Geo-Karis, Hall, Jones, Kustra, Lechowicz, Macdonald, Madigan, Marovitz, Newhouse, O'Daniel, Philip, Savickas, Smith, Vadalabene, Weaver, Welch and Mr. President.  
...(machine cutoff)...

PRESIDENT ROCK:

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I'm sorry. Senator Watson, do you question the presence of any Member?

SENATOR WATSON:

Yes, thank you. Senator Barkhausen.

PRESIDENT ROCK:

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

SENATOR WATSON:

Senator Lechowicz. Oh, I'm...

PRESIDENT ROCK:

Senator Lechowicz is on the Floor.

SENATOR WATSON:

J.E. Joyce.

PRESIDENT ROCK:

Senator Joyce on the Floor? Senator Joyce is not on the affirmative roll call.

SENATOR WATSON:

Well, that's probably why he's not here, then. Okay. Senator Severns. I see her. Okay. Senator Weaver.

PRESIDENT ROCK:

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

SENATOR WATSON:

Senator Kustra.

PRESIDENT ROCK:

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

SENATOR WATSON:

Senator Madigan.

PRESIDENT ROCK:

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

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SENATOR WATSON:

Okay. Thank you.

PRESIDENT ROCK:

All right. The roll call has been verified. There are 28 Ayes, 24 Nays, 1 voting Present. Senator D'Arco requests that further consideration be postponed, and it is so ordered. 2517. Senator Carroll. On the Order of House Bills 3rd Reading is House Bill 2517. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2517.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As we had indicated when the amendment was adopted, this is an effort to attempt to resolve the dispute - part of it based on a federal court case of what are the rights of landlords versus what are the rights of tenants, in dealing with those who have mobile home parks. The amendment we adopted does give a one-year notice provision that a lease will not be renewed if an owner intends to cease the operation of a park. Where now they have a one-year lease, this would give a one-year notice. However, it is my intent and the intent of the House sponsor, that this be in a conference committee, the purpose of which is an effort to resolve the differences between the landlords and the tenants of mobile home parks in trying to come up with a -- an acceptable solution to both. Senator Raica, has we indicated on the amendment, has asked to be involved in that proceedings, in order to determine a fair and equitable balance between the two, if we can. The House has indicated to me they will not concur in the amendment. We

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will not recede. It will be in conference, to give us another week to attempt to resolve it. And I would ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall House Bill 2517 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 38 Ayes, 17 Nays, 2 voting Present. House Bill 2517, having received the required constitutional majority, is declared passed. 2570. Senator Zito. All right. Ladies and Gentlemen, the last bill remaining on the Calendar - and that is the last bill on the regular Order of House Bills 3rd Reading - is House Bill 2576. Senator Schaffer indicates that an amendment has been filed, which I'm sure comes as no surprise to anyone that it's the Gas Tax, proposed Gas Tax. There is a fact sheet that is being distributed. In the meantime, there are, as you know, about thirteen bills on the Order of Consideration Postponed. Plus another eleven or twelve that have happened today, so I'm going to propose that we stand at ease for about fifteen minutes to afford everyone the opportunity to acquaint themselves with the proposed Gasoline Tax proposal. And also to afford the Secretary an opportunity to come up with the final Consideration Postponed list. So we will do the Gas Tax amendment upon our return. We will then go to Consideration Postponed, and then we will deal with the Gas Tax proposal as amended, if it's amended, as the final order of business. So we'll just stand at ease for about fifteen -- we'll reconvene at seven-thirty. I invite everyone to read the amendment.

(SENATE AT EASE)

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(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The Senate will come to order. We will return to House Bills 3rd Reading. ... (machine cutoff)... House Bill 2576. Senator Schaffer on the Floor? Senator Schaffer seeks leave of the Body to return House Bill 2576 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 2576, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Schaffer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and -- Members of the Senate. This is a rather large amendment. As I think I mentioned earlier, when I assumed sponsorship of this bill, that this bill would become the vehicle - no pun intended - for the proposed Gas Tax increase. This rather voluminous document, which a few of us at least, have had a chance to peruse - and I hope everybody else will get a chance - provides for a three-cent tax -- Gas Tax increase effective thirty days after the enactment of the Act, with an additional three cents effective -- January 1, 1990. It does a series of things. It decreases a transfer from the General Revenue Fund to the Road Fund. From 2.5 of Statewide Sales Tax to 1.7 of Statewide Sales Tax. Caps the Road Fund Budget for Secretary of State and the Secretary of the State Police at the FY'90 budget levels, which will further increase revenue from -- or into the GRF. It allows a local option gas tax for collar counties of up to four cents by local county board action. Creates a Gubernatorial Commission to oversee disadvantaged business -- the Disadvantaged Business

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Program. Provides the RTA with the authority to issue some five hundred million dollars in Strategic Capital Improvement Bonds. It increases the RTA's bonding authority from four hundred million to five hundred million. It enacts the Department of -- empowers the Department of Transportation to make grants for transit systems, to subsidize reduced fares for students, elderly and mobility-limited. That's a Statewide program, I might add. It allows the Department of Transportation to make transit capital grants to transit agencies where sufficient federal funds are not available to complete projects. Makes some technical changes. And it also permits the Department of Transportation to administer federal transit funds for downstate systems, at the request of those systems. I have some people from the Department here. We would be happy to answer questions, if there are any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schaffer has moved the adoption of Amendment No. 1 to House Bill 2576. 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:

Amendment No. 2 offered by Senators J.J. Joyce and Thomas Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. All this does is it eliminates Will County from the local option, the four-cent local option. I'd asked for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Joyce 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

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is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. This amendment was in a bill that is -- was originally in a bill that's now on Postponed Consideration, as amended. And what this does is to correct an error that the Supreme Court says we made. I don't think we made it, but the Supreme Court says we made it several years ago, when we exempted the transit authorities throughout the State from liability for criminal acts that take place on their property. And this bill provides that there will be a cause of action for persons who suffer serious death, bodily - not serious death, but I guess there's no unserious death, who suffer death - serious bodily injury or disfigurement as the result of a criminal act committed at that location, where the transit authority knew, or should have known, that the particular location is unsafe. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Berman has moved the adoption of Amendment No. 3. We have three -- we have four Speakers. Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I would resist this amendment. As Senator Berman has indicated, this is a bill that has not met with great enthusiasm in this Chamber. Many of us are extremely uncomfortable with this concept. We believe it will expose the Mass Transit Systems - I'm not sure if he's doing it Statewide or just to the CTA - but in any case, expose them to some liability that is not there, then perhaps ought not to be -- they ought not to be exposed to. We have a lot of resistance. I think this is a

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very important measure that ought not to be filled up with this type of proposal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. First, I request a roll call on this amendment. Second, this amendment, this bill, this amendment in bill form, has twice been defeated by this Chamber. Let me remind you what it was, so you'll remember the logic of your No vote. This amendment says, if you did not -- if you are injured on the CTA through a criminal act - and it could be Statewide transit systems -- we can't find it -- this looks like every transit system in the whole State - if you're injured through crime, you have the right to sue them. Now you just turn that around and think of the precedent you have set. If you represent the City of Chicago, or if the represent Kankakee, or if you represent East St. Louis - any town - someone in an area where there has been crime in the past, gets mugged, they have the right to sue the city, because you didn't give them enough police protection. Think of the logic and how that can be expanded. That is the next logical step after this bill. If you remember the Illinois Supreme Court, which has been known to occasionally expand bills and expand concepts - you put it here, I guarantee you you'll see it again on your municipalities. Next thing you know, you'll find it everyplace. This has been defeated twice before. I would appreciate your negative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. The sponsor legitimately identifies the problem. And we did have this bill and debated earlier. He amended the language in his earlier bill to a much narrower scope

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that addressed the problem that was created. And if it were the amended language on a different bill, I would support him again, as I supported him earlier. But this is the same initial, broad language, saying if there's been any crime within three years in an area, essentially you're going to have to station a policeman there all the time. It was so bad that when I spoke against it last time, he took it out of the record and came back with the new, narrower language. I don't think even that language belongs on this bill, Senator. But this is the original language that virtually everyone opposed, and I would seek a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, just to make something of the same point. What House Bill 2576 is all about, with Senator Schaffer's Amendment No. 1, is a genuine attempt to improve the transportation systems in this State, both highway and mass transit. But what Amendment No. 3, I'm very afraid will do, is to take the money that should be used to improve our transit systems, and instead make our transit systems use this money to pay legal fees to defend what, in my estimation, will, in ninety percent of the cases, be frivolous lawsuits. For this amendment, as has been pointed out, would give rise to lawsuits in any situation where a crime has been committed, in the general area where the crime in question has been committed within the previous three years. We are throwing away money that we should be using for good transportation systems in this State, and using it to -- mostly to defend lawsuits - in some cases to make indemnity payments to satisfy what few judgments there may be that result from these cases. I think it is -- I frankly think it is really grotesque, Mr. President and Members, that when we're trying to do what is necessary for transportation in this State, the plaintiffs' trial

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lawyers come along and try to put their agenda onto this bill. I think it's a terrible error. I think this -- this amendment should be soundly rejected.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you. Inasmuch as there was only four opponents to my proponent, I think I'm in pretty good shape. If those who spoke against it would read the amendment, it says what I would suggest most of your voters, when they ride on the mass transit systems throughout the State - and this is Statewide - expect, and that is a reasonable degree of safety to be exercised -- for their safety to be exercised by the people that run those transit systems. That's all that this does. And what it says is, is if there's been a history, a history of crime, serious crime at a location over the past three years, that transit authority could be sued if it can be shown that there was serious, permanent injury, personal injury or death arising from a criminal act at that location. That riders of mass transit, when they pay their fare, they're entitled to some degree of protection by those transit authorities. I urge an Aye vote for the people that pay those fares. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman has moved the adoption of Amendment No. 3. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 20, the Nays are 37, none voting Present. Amendment No. 3 is declared lost. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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3rd Reading. All right, now. We are going to the Order of Postponed Consideration in your regular Calendar. Page 24 of your regular Calendar. House Bill 183, Madam Secretary.

SECRETARY HAWKER:

House Bill 183.

(Secretary reads title of bill)

...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill now does, after being amended, it is a restatement of Senate Bill 4 that we passed out of here that the House fooled around with this past week and managed to get defeated. What the bill does is require utilities to annually present evidence to the Commerce Commission of efforts they have made to minimize fuel, gas and power costs. It requires the Commerce Commission to pursue policies at the federal level to protect Illinois energy utility customers, such as those cases where take-or-pay costs are being passed on to Illinois consumers. Millions and millions of dollars of those costs are being passed on, and this requires the utilities to make some effort to prevent that from happening. This bill - we've passed it twice in the Senate this year, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Welch, in committee I was the deciding vote to get 183 out of committee. I was the 30th vote on the Floor of this Senate. I had two amendments on there that were agreed-upon amendments, and it was the reason I voted for this bill in the first place, and now to strip it and to make to it something else,

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I've got to oppose it. I will be voting No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Just briefly, this bill is no better now than it was when it went down, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Further discussion? Senator Welch may close.

SENATOR WELCH:

Well, I'd point out to Senator Jacobs that he voted for this bill twice, and so it's nothing that he hasn't voted for before. And on the bill that he claimed to be the 30th vote, there were only 29 votes. Otherwise this bill would not be here. So that's -- that's hard to do. This bill is basically the only utility bill left that's going to give consumers a single penny of relief. We've had the Citizens Utility Board down here trying to pass legislation, and frankly, they haven't done much of a job on behalf of consumers this year. This is the last bill that's going to try to do anything for them, and I think that we owe it to our constituents to at least have one utility bill that does something for them this year. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 183 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 30, none voting Present. House Bill 183, having -- having failed to receive the required constitutional majority, is declared lost. House Bill 574. Senator Kelly. On the Order of Consideration Postponed, is House Bill 574. I beg your pardon. I skipped another one. I beg your pardon. Take it out of the record. House Bill 535. On the Order

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of Consideration Postponed is House Bill 535, Madam Secretary.

SECRETARY HAWKER:

House Bill 535.

(Secretary reads title of bill)

3rd Reading of the bill. <sic>

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry, Senator Carroll, I must have a mental block when it comes to your name. Senator Carroll.

SENATOR CARROLL:

Oh, I thank you for recognizing my bill, Mr. President. This is a bill that merely allows the extension of what we now allow for State employees for life or accident or health insurance, and allows that employee to ask that premiums for auto insurance or multi-peril coverage, you know, homeowners insurance, employees can ask that that also be withheld from their check, and if a hundred or more ask, that that can then be paid over by the State to their insurance company. We also had allowed for the University of Illinois, that if the employee asks that the employee's parking fees be withheld from the employee's check, that that also can be withheld and pay over to the University by the State. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, here again, I think this bill is no better now than it was when it lost the previous time. There are a couple of issues here. One has to do again, I think, with the possible competition for and with local insurance agents, which of course is -- is a concern of mine, being in that business, and I -- I must announce my conflict. The other issue I think that is the hidden agenda here, and that is some kind of mass marketing of insurance through the collective bargaining

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process. And that is the ultimate of what all these plans seek to do. So I think we ought to reject this bill, take a look at it again next year, and decide what's the right thing to do. But for now, it ought to be rejected.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. As I stated before, it's still an administrative nightmare and should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR CARROLL:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 535 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 25, none voting Present. House Bill 535, having received the required constitutional majority, is declared passed. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

I -- I guess we may as well find out if everybody's here, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, what does that mean? We're going to go look for them, or do you want to request a verification?

SENATOR SCHUNEMAN:

Why don't we verify the roll, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Senator Schuneman has requested a verification of the Members who voted in the affirmative. Madam Secretary, call the names of those who voted in the affirmative, please.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, do you challenge the presence...

SENATOR SCHUNEMAN:

Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs on the Floor? He's having a press conference.

SENATOR SCHUNEMAN:

Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins is in her seat.

SENATOR SCHUNEMAN:

That's all, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the verified roll call, there are 32 Yeas, 25 Nays, none voting Present. House Bill 535, having received the required constitutional majority, is declared passed. House Bill 574, Madam Secretary.

SECRETARY HAWKER:

House Bill 574.

(Secretary reads title of the bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

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SENATOR KELLY:

Thank you, Mr. President. I'll take that same roll call, if I get leave. House Bill 574. We've come at you a few times on this issue. It requires physicians to determine viability, and it also requires that the late-term abortions to be performed in a hospital. We did remove the Class 3 felony from the bill and now it is a Class A misdemeanor. On the argument for downstate women who would not have abortion services available to him -- to them. There are very few abortion clinics in downstate communities. Only the larger municipalities in downstate Illinois offer abortion services, and this requires women to travel to a long way anyway. It seems to me that if you're entering a serious medical procedure, you'd want that to be done in a hospital and not in a clinic. On our...legislative intent, House Bill 574 is not intended to require that the phrase, "with measures for life support available for the fetus" means a neonatal intensive care unit. The legislative intent is it means that the hospital's life-support equipment is to be made available if the child is aborted alive. This bill is supported by the Illinois Right To Life Society, the Illinois Pro-Life Coalition, the Illinois Federation for the Right To Life, and every local and State Right To Life organization I know. I solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is shall House Bill...Senator Berman. Can we break up the conference in front of Senator Berman, please? Senator Berman.

SENATOR BERMAN:

Thank you. Ladies and Gentlemen, the amendment that was put on this bill doesn't change the impact of this bill. Before, there was a Class 3...felony criminal penalty. That has been changed to a Class A misdemeanor. The intimidation of a criminal charge -- instead of serving three years in jail, you're facing

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one year in jail. Does that make a difference to the doctor? No way. There's still the intimidation of a criminal sanction, because a doctor has serviced his or her patient, a pregnant woman. This bill did not pass before; it does not deserve to pass now. We have no role in the decisions between a pregnant woman and her doctor. Please, stay where you were before. We didn't have 30 votes. It still doesn't deserve 30 votes. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR KELLY:

Appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 574 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 23, 2 voting Present. House Bill 574, having received the required constitutional majority, is declared passed. House Bill 1152. Senator Smith. House Bill 1152, Madam Secretary.

SECRETARY HAWKER:

House Bill 1152.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The House Bill 1152 with this amendment, as amended, only pertains to community health centers, field audits for nursing homes and the pharmacist's dispensing fee, which shall not exceed

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ten dollars rather than the fifteen dollars as stipulated in the original bill. And this would not go into effect until 1991.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I do admire the sponsor for trying to -- to make this bill a better bill. However, we're still talking about a twelve-million-dollar price tag. And, I mean, even if you're talking in Fiscal 1991, somewhere along the line, you're going to have to come up with twelve million. But what is probably worse, on this bill, is that, you know, it's asking to set a Medicaid policy of payment at cost. Now there is no Medicaid program in the State at this moment that pays at cost. Now once we start this, then all Medicaid programs are going to pay at cost. I don't think we can afford to do this, and I would continue to asked a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR SMITH:

This fiscal amount that she's talking about would go for the cost of reimbursing the community health centers, and would not go into effect until 1991. This is needed. I merely ask for your support in voting for this favorably. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1152 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 30, the -- beg your pardon. The Ayes are 31, the Nays are 27, none voting Present. House Bill 1152, having received the required constitutional majority, is declared passed.

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1278. Senator Barkhausen. 1393. Senator Brookins. On the Order of House -- Consideration Postponed is House Bill 1393, Madam Secretary.

SECRETARY HAWKER:

House Bill 1393.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. House Bill 1393 amends the Vehicle Code to require any operator and passenger who are age -- under age eighteen, to wear a helmet while operating a motor vehicle. Of this bill applies only to children who are under the age of eighteen. Each year, there's approximately a -- four thousand five hundred fatalities resulting from motorcycle accidents. Of this number, about half the accidents involve children. Studies have shown that a persons are one-third less likely to be -- to be injured if they are wearing a helmet while riding -- operating a motorcycle. There are presently forty-four states which have enacted helmet laws requiring everyone operating a motorcycle, or at least those persons under the age of eighteen, to wear helmets. Illinois is one of the six remaining states that does not have some type of helmet law. To obtain a license to operate a motorcycle, the Secretary of State -- a course -- offers a course wherein the concept of wearing a helmet is encouraged as a safety measure. If we do not require the use of helmets, perhaps we should not be teaching this concept. The opponents of this bill -- the proponents of this bill include the Department of Rehabilitation Services, Department of Public Health, Department of Transportation, Motor Vehicles Safety Council, the Illinois State Medical Society -- Society. Even the American Motorcycle Association is not opposed to this legislation. Motorcycle clubs

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are oppose the legislation because they think that the law will eventually be amended to require all operators to ride -- who ride motorcycles to wear helmet, irrespective of their age. This issue has not been debated in the past. There is not enough votes to pass this legislation. This is a bill that deals with saving lives. I ask your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I guess third time's a charm. This is the third time we've -- we've heard this bill. We've defeated it every time it's been brought before us. It hasn't gotten any better in the last few days. So this is the Helmet Bill. This is -- requires a helmet for those people under the age of eighteen riding a motorcycle. The arguments remain the same. And I've expressed them here, and some people refuted this, but others did not. And that's the fact, that if you're wearing a helmet and it's not a properly fit helmet, that their vision and hearing can be impaired. There's that possibility, and it can actually be a safety problem. Now we continually pass legislation here that's trying to protect the people from the cradle to the grave, and we just simply can't continue to do that. I don't think that's why the people of our districts sent us here. Somewhere along the line, we got to let the people decide for themselves what's in the best interest of them, and not for us to sit here and continually mandate more and more restrictive provisions on the people. So I urge a continued No vote, and hopefully that will prevail again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins may close.

SENATOR BROOKINS:

I'm not going to give no long speech about how we're going to

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save lives. But I am going to tell you this before I sit down. Every time a person goes down on a motorcycle and if it results of a head injury, you can guarantee it's no less than fifty thousand dollars that it will cost. And this cost, nine times out of ten, is bearing by the State of Illinois. If you're not interested in saving lives, let's save the money. That seems to be what we're about today. Let's save money. I ask...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1393 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 28, the Nays are 30, none voting Present. House Bill 1393, having failed to receive the required constitutional majority, is declared lost. House Bill 2160, Madam Secretary.

SECRETARY HAWKER:

House Bill 2160.

(Secretary reads title of bill)

END OF TAPE

TAPE 8

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This bill allows the Chicago Park District to issue bonds up to an amount not to exceed a quarter of one percent of the assessed valuation of all taxable property for required environmental work that protects the public and employees from environmental hazards.

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Required environmental work is defined as, "all acquisition, construction, reconstruction or removal required by the federal government or by State law to protect the public or restore the environment." A substantial number of Chicago Park District facilities require immediate work on asbestos removal to protect the health and safety of patrons and employees. This program of asbestos removal will cost the park district at least ten million dollars. Also the park district uses certain pesticides, herbicides and insecticides for the use on golf courses and the zoo and other park areas, and federal and State laws require that these be stored and managed in a safe facility. This bonding authority will provide the money to do that for the -- protection of the health and safety of the citizens and the children. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Again, this is a bill, I think, that we should all be taking a very close look at. We defeated it once, and it should remain defeated. What we are talking about here is issuing -- having Chicago -- Park District issue bonds -- issue bonds without a referendum. Let me stress that - without a -- referendum - and it is not just a small amount we're talking about here. We are talking about approximately forty million dollars worth of bonding power that we are giving them to do certain things that they feel need to be done by the Chicago Park District. We defeated this once. I think that was a good vote, and we ought to repeat our vote again, and defeat it one more time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Well, I will say this,

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that the bonds that the Chicago Park District issued today are issued without referendum. So this -- this isn't any new law or -- that -- anything that's changing. We're just giving them authority to issue bonds for the protection of the public and employees from environmental hazards that are required to be repaired, by the federal government and by the State, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2160 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 22, the Nays are 33, 1 voting Present. House Bill 2160, having failed to receive the required constitutional majority, is declared lost. Top of Page 25. House Bill 2548. Senator Collins. 2803. Senator Kelly. House Bill 2-8-0-3, Madam Secretary.

SECRETARY HAWKER:

House Bill 2803.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, and thank everyone for the support on House Bill 574. The House Bill 2803, we -- we deleted the portion that's the amendment. We Tabled the amendment that related to the valedictorian. Now, all this bill does is exclusively allow low-income and moderate-income families to purchase college savings bonds on installment basis. I believe the vote was 113 to 1. I'd solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

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Thank you, Mr. President and Members of the Senate. This Baccalaureate Trust Authority, we just created that last year and here before they get it -- and their creation was made so that they could decide what would be the best plan for -- bonds that they could send kids to school on, and here before it's even a year old, Senator suggests that we change it and tell them what they have to do. I think this is a bad precedent to set, and I'd urge a No vote on this, and let's let a study committee look at it, and vote on it next year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- further discussion? Senator Kelly may close.

SENATOR KELLY:

Thank you, Mr. President. I just want to reemphasize that where it provided for a one-year scholarship, which I thought was a tremendous idea for the number one high school student at every high school in the State of Illinois - this amendment has been Tabled. It is out of the concept. This only allows for the one -- for a low-income, moderate-income family to purchase college savings bonds on an installment basis, and the vote in the House was 113 to 1. I solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2803 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 17, none voting Present. House Bill 2803, having received the required constitutional majority, is declared passed. All right, Supplemental Calendars have been passed out. Supplemental -- Supplemental No. 1. On the Order of Consideration Postponed is House Bill 18, Madam Secretary.

SECRETARY HAWKER:

House Bill 18.

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(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. We did debate this bill rather lengthy. I think everybody knows what it is. It is supported by all the health professionals in the country and our State, by the Medical Society, by the nurses. It doesn't prevent anybody from getting a premarital AIDS test, if they want to get it. It's bad public policy to have it. We're the only State that has it, and -- there have been only forty-four out of two hundred and twenty-one thousand people who have tested positive. Many of those have been false positives. I solicit your Aye vote. I don't think this bill needs a lot more debate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, again, I feel we should keep that test going. If people are too cheap to spend some money to protect themselves in the event that they have a child. I mean if they have this test, at least they know. They can still marry, but they may be smart enough not to have a child to whom they can transmit AIDS. That's a serious thing. My heavens, I -- I think you're wrong. I don't care who is in favor of repealing this. I think it's wrong if we repeal it, and I ask you all to keep in mind that children are innocent. If you're going to have children and transmit it, you're hurting children.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Further discussion? Senator Watson.

SENATOR WATSON:

Well, thank you. I didn't speak earlier on this bill, Mr. President, and -- but I just wanted to make mention that we had a

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young lady call my office anonymously several months ago, thanking us for passing this legislation. Because of the AIDS test, it saved her -- possibly her life. She was a very emotional phone call. She would not give me her name. She was from my district, but it was a situation in which this may have saved this young lady's life. I think the main opposition from this -- at least in my area, the main opposition I hear about this is the cost that's involved, and I'm -- and I'm seeing, and -- and I think more and more we're going to see, the cost of this continually drop, and I think that Senator Marovitz's approach isn't necessarily concerned with the cost, but that's what I hear in my district, and I think as the cost goes down, more and more people are going to accept -- the responsibility of having to take this particular test, and I think it ought to stay on the books.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I did not speak on this bill previously. I just want to give you one figure. We're sitting here fighting about an income tax right now. That's what we're waiting on later. For a minute, put this bill in its financial situation. If you get a couple where -- about to get married, they discover AIDS, that's one person. If they get married, that's two. For a minute you have to remember, the overwhelming majority of AIDS cases will end up Medicaid, not private insurance. They go way over their limit. And if you take the average number of dollars per AIDS case per Medicaid, and just multiply it out by only half of the cases we caught, you have already saved the taxpayers of this State a ton of money, plus you saved the lives of some human beings, which is probably more important.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

I don't quite understand that last thing. If you caught people who have it, they have it, you got to pay for it. I mean if somebody has it, they have it, and if they go on -- on -- on Medicaid, you're going to have to pay for it, whether -- whatever you caught them. So that doesn't make much sense. I really don't think all the health professionals in this country and in this State would be in favor of repealing this law if it weren't good public policy. This is a bad law. We ought to repeal it. We made a mistake. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 18 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 33, the Nays are 23, none voting Present. House Bill 18, having received the required constitutional majority, is declared passed. House Bills, Consideration Postponed, is House Bill 490, Madam Secretary. Read the bill.

SECRETARY HAWKER:

House Bill 490.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would ask the Members, particularly Senator Marovitz and others, to please stay in their seat. I'm sure this will be verified. Because I think what's happened, Mr. President and Ladies and Gentlemen of the Senate is, in the last couple of hours, some of us have had the opportunity to meet with one another and talk

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about the concerns, the very definite concerns of education in our State, where we, in a State so rich and progressive, have more than two hundred school districts on financial watch. Where we have literally struggled with a budget that now, absent the provision of House Bill 490, will, in the next couple of days, literally have to be dismantled and re-sorted out. I don't think that's fair. The fundamental purpose of House Bill 490 is to provide much-needed additional revenue to units of local government and to elementary and secondary schools and to the institutions of higher learning. And all of us - all of us - represent cities and counties and school districts, and all of us are painfully aware of the need that's out there. And we have an opportunity, right now, to afford help that otherwise won't be there. And immediately after the vote a while ago, I spoke with Senator Philip and with the Governor, and they were kind enough to offer again to negotiate, and all I can say to you is I don't doubt their sincerity. And I wish it were otherwise too, frankly. I wish it were permanent, and I will commit and did commit publicly, that I will be here in 1991, God willing, and I will work toward a permanent solution, as I have attempted to do since I have been here. And attempted in 1983 and '84 and '85 and '86 and '87 and '88, and now it's '89. But I see politically that this may be the only opportunity we have and we ought not turn it down. I have, in fact, visited with and talked with my Members and expressed to them - yes, even some who are a little skeptical - that this is just much too important, much, much too important, and I would ask some on the other side who have institutions of higher learning, who understand the real need, to forget partisanship; this is not a partisan matter. This is our opportunity to do what we know we should do. To do what we know is right and all the rhetoric about property tax relief, which is important, but again, if we're going to try to negotiate in the

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coming week, give me a number. How much for property tax relief and in what form and all I can tell you is everybody that at least I've talked to, has kind of a different idea on how it should be structured or should not be structured. And so I'm afraid that we will come to next Friday night at approximately the same time and I will have to stand here and say to you, Ladies and Gentlemen, "I'm sorry, I tried, but we will now have to deal with the budgets as they have been restructured," and we will pull out the thirty-five million dollars from the U of I and we will pull out the other money for minority recruitment, and we will pull out money all over the place that no one of us wants to pull out. It's money that they deserve. It's money that's long overdue. And we will have to go back home to our districts, to those same two hundred districts that are on financial watch, and we'll have to go back to -- those of from the city will have to go back to the city and say, "I'm sorry. We had a chance, but we turned it down." Let's don't do that. Let's don't turn down, out of a fit of political pique, or the fact that you didn't like the House procedure, or whatever your spurious reason is. Rise above it and say, "Ladies and Gentlemen, this is the right thing to do and the time to do it is now." I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Rock, you talked about the right thing to do. There's no time that I've ever been down here that we have had nine hundred million dollars in new revenues, through growth, a takedown in the year-end balance and an additional cigarette tax potential, plus a seven-hundred-million or eight-hundred-million-dollar tax increase. A billion seven hundred dollar million opportunity, and to, in fact, ask this Body to take a billion seven hundred million dollars and sell out for a

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lousy two hundred million after it's all gone, is unfair to this Body, because, in fact, if we are going to do the right thing - and there is only one justification for passing this tax increase - it's to reform a School Aid Formula that we all, to a person, agree does not work. To a property tax system which has shifted the responsibility of educational funding to the private homeowner, and who, by the way along with it has made educational opportunity a geographical accident. Senator Rock, I've had a lot of respect for you and I will continue, but I am absolutely affronted by the fact that you present this thing as the opportunity to do what you say it will do, because if this thing is any opportunity at all, it is to do those things that almost everybody, on a bipartisan basis, has admitted has to be done. And this bill does not do it - does not do it at all. In fact, it is an insult to ask us to vote for seven hundred and sixty-three million dollars which goes to -- fifty percent to people who not only have not asked for it, but who've indicated up front that they will not abate it, and then to turn around and destroy an opportunity on a tax that is needed to fill the hole on the other part of the budget, to leave us with two hundred million dollars and doesn't reform the School Aid Formula. And by the way, you know, this is not a suburban-downstate issues. Please, do not think that, because I want to tell you something, folks. You may have went out on this crazy formula that we have, but your kids lose out, because you're still going to be underfunded. You're still going to be underfunded. By and large, if we're going to spent this kind of money - a billion eight hundred million dollars - damn it, let's spend it right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. This issue

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has been -- probably this vote is one of the most difficult votes that I've had to make -- issues I've had to face since I've been in this General Assembly. We have been discussing this issue now for several weeks, and as Member -- a Member and as a leader of the minority caucus, we have had many concerns, but primarily, our concern has centered around the financial stability of the Chicago school system. For thirteen years now I have been in this General Assembly, and the issue of Chicago finances and quality education has been a constant issue in this Body every year. We have had three new school boards, two new superintendents, a decentralization of the school system, a creation of a financial authority, and a strike that had children out in the streets and teachers in the streets that probably will never the time will be made up in the lives of those children. Our concerns for that system not to be disrupted and that this new board, under this new Reform Act that we passed last year, is given a chance to work, and that the administrators and persons who are responsible for carrying out the mandate that we pass, has the necessary faith and confidence in that system to make it work. And they cannot do that without some financial stability and assurance that after two years, that this system -- that the money will be there to carry on the work and the reform that they are putting in place right now. We have met with the leadership in the House and in the Senate. The past few days we have been talking with the City Administration, the administration of the Chicago Board, and finally all of those people who have basically ignored our concerns - with the exception, I would say, of Senator Rock - have began to talk and to make sense. So finally we have a commitment from Mike Madigan that he will be - he assured us that he will be working in two years from now to maintain the financial stability and continuity of that system. The board has also assured us that they would respond to our concerns of getting those councils the

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money to be activated, because without money that we send there, out of this tax dollars, they cannot function. After it gets there, we want to make sure that they get some money to operate. Those commitments has been met, and we are now ready to cast our vote Aye on this tax, and I would just ask all of you on this side of the aisle to do the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This is an even more difficult task than it was earlier. We're -- we're apparently into playing legislative blackmail now. We're into running around scaring people about how we're going to gut agency budgets. A week left in this Session, and apparently the only way to drum up thirty votes is to literally intimidate and threaten people with vital State services. That's really what's going on here right now. This is legislative blackmail of the highest order. You ought to all be insulted by -- by the tactic. The bill hasn't changed any. I hear Senator Collins say that you have some kind of assurance or commitment from the Speaker that two years from now everything's going to be okay. Why -- why couldn't he have seen weeks ago, when he introduced this package, that you don't solve the long-term problems of Chicago schools or suburban schools or downstate schools with a two-year tax that goes away. With assurance that he's going to take care of it? How many of you have had bills go over to the House to see them taken care of, all right. I really don't believe you're going to buy that. This bill - this tax proposal - is still an issue of unmet needs. It's too many tax dollars to those needs that aren't that great. Local governments who didn't even ask for it. Too few tax dollars to those who are truly needy. Human services programs, and no tax relief to beleaguered taxpayers -- property taxpayers. Senator

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Dunn said on the Floor yesterday, he had a commitment from Senator Netsch, the sponsor of 1072, to call the bill. There's your education dollars, and there's your property tax relief. We still haven't haven't had an answer as to what happened to that commitment. What happened to the calling of that bill? Why can't the people in the State of Illinois have their money for schools? But why can't the people of the State of Illinois get property tax relief as well? And why can't the people of the State of Illinois get human service funding? And what do we get instead tonight? A threat, that somehow State government gets shut down or agencies get gutted if we don't come to terms tonight. Senator Rock, you said it well. This side of the aisle is willing to negotiate. The leadership is willing to sit down and work this out, and there is a week left, and there is no reason to rush this because of one man in another Chamber who tells us this is the only deal in town. We should tell him that the people of the State of Illinois deserve more than that kind of treatment, and vote No once again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator Rock, I've served in this Body for eleven years. You are the only President that I have ever known here, and you have been an honorable President. You have served this Body well. You have served this State well. You have served our Governor well. Ninety-five percent of the time you are a statesman, and only five percent partisan. And I'm sorry, sir, but this has become a partisan issue. You indicated that it is not. It absolutely is. It is nothing more than a partisan issue. You indicated in your remarks this afternoon that you'd walk out of the Governor's Office lo, these many years, year after year, and you'd all say "We're going to continue to talk." Four said they would continue

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to talk. The Speaker, for whatever reason, chose not to do that. That's why we didn't have a tax increase before, and that's why we don't have the tax increase now that we need to have. Yes, those of us who are in communities where there are institutions of higher learning, find this to be a very difficult situation, because somehow, someway, they're going to -- portray us as being against the tax because there's a No vote on this issue. But let me suggest to the Body something that's going to happen. You've heard me make comments on this Floor and elsewhere, that our best and our brightest academicians are leaving this State, going elsewhere. They're going because they're being recruited by other states because those states are committed to higher education, and we're losing our best and our brightest. Those people are the very hearts of the universities -- they are begin recruited because they are the best in the world. Do you think this is going to change that? If I was a bright biology professor at the University of Illinois, being recruited by some other state, and I knew this State hadn't done anything, and now they said - bravely, they said - "We're going to put on a temporary tax increase to try to keep you." Do you think I'd stay? Of course not. Folks, see what's happening here. Senator Rock, this is not the last resort. It is not. There is a chance we can deal with this issue in the proper way, next week. I'm from a conservative district. I have supported a tax increase for three years. I was elected to make the tough decisions. Anybody can make the easy ones. Anybody can do that. Let's don't sell out for this tonight. Let's don't let one man disenfranchise a hundred and seventy-six other legislators, and we in turn, then, our own constituents. Let's do what's right. Let's make that commitment. Let's oppose 490.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

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Thank you, Mr. President and Members of the Senate. I guess I agree with what my friend and colleague, Senator Maitland, has just said. This last couple weeks, I suppose I voted for as many tax increase proposals as everyone else has, in an attempt to address the needs of the education community. I would say to my friends in the education community that there is an advertisement about a wine manufacturer of something like that. "We will sell no wine before its time," and while I -- while I support this proposal - it's not bad for the forty-fifth district. I -- my -- my school districts come out pretty well on this district - I still think -- I still think there's some room that we need to talk about something that is acceptable. Something that can fly out of this Chamber with the votes that are -- that are needed, and I know that people are expecting me to vote for this proposal, now, and I say to them that I cannot vote for it at this time, and if a proposal can be accommodated or if people can accommodate, so that people -- so that we can have something as far as tax relief, we can address the needs of education as we should be doing. Then I will -- I'll be the first -- the first one to vote for it, but I ask that we talk about this a little more.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would respond only by saying, twice now, I have heard that House Bill 490 is an attempt to perpetuate an accident of birth or geography. I'm not sure what that means. I presume all of us are accidents of birth or geography. The fact of the matter is, this money is being distributed -- will be distributed according to a formula that we have called, and still do call, the resource equalizer. It is an attempt on our part, as we have done over the years, to make educational opportunity and educational resources

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equal. This doesn't change that formula. I have heard it said - we talked at some length about Senator Maitland's proposal - perhaps there ought to be a school aid formula change. As a matter of fact, it seems, if I recall, we sunsetted the formula at one point, in recognition of the fact that something dramatic had to be done. And the problem is that it's again an attempt to balance the various interests of downstate and Collar County and suburban Cook and Chicago. And we simply aren't geniuses. We haven't been able to work it out, yet. So the fundamental purpose of House Bill 490 is to afford what everybody admits is needed, and that's more revenue, and afford it according to our current resource equalizer formula, to do the best we can. We're not changing it. We're not tinkering with it. We're not short-changing anybody. We're giving them what they would get, except they're getting more of it. And I suggest the same is true with the Local Government Distributive Fund. That's distributed on a per capita basis. And I presume, as I have heard, there are some cities who are wealthier than other cities. That's a given. Those cities should have the opportunity because this formula is driven by population. And so you get so much money per head. No change in that. No magic in that. We're not saying if you've got money in the bank you don't get it, you don't have any in the bank you get more. Everybody's equal. That's what I said - it's elegant in its simplicity. For the first time in a long time, we have the opportunity right now to plug in to this budget much-needed, additional revenue, and at the same time recognize that there are human service needs out there. And Senator DeAngelis is right. We have -- I think that's why everybody's attitude is better. This Session didn't start out that way, I can tell you. But this is one of the calmest Junes I've been through, because we're not constantly bitching about the budget. We have been able to put money into programs that everybody admits is the

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right thing to do. And we have been able to say to the hospitals, "Yes, we'll address that need. Thank you very much for bringing it to our attention." And we've been able to say to DCFS and Mental Health, "Yes, we can do this." We don't have to chintz and pull back because we're not confronted with going back to our district saying, "Well, the two hundred schools that are on financial watch, the Chicago...we just -- we did the best we could, but all we could nickel-and-dime is a hundred million dollars and we had to spread that out." We don't have to do that. And so there's almost a sigh of relief that we don't have to. We recognize that the Governor's got this additional spending authority. And we're appropriating it, as we always do. But now we've got a chance to appropriate an additional much-needed amount for the school kids of this State. And Senator Maitland, I dare say, as a professor, you would stay. So would I. And so would most of us. This is our opportunity. Ladies and Gentlemen, I urge an Aye vote on House Bill 490.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 490 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all -- last call. Have all voted who wish? Take the record. On that question, the Ayes are 27, Nays are 29, 2 voting Present. House Bill 490, having failed to receive the required constitutional majority, is declared lost. House Bill 788. Senator Jones. On the Order of House -- Consideration Postponed is House Bill 788, Madam Secretary.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

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Thank you, Mr. President and Members of the Senate. House Bill 788 -- all the issues as relate to the rewrite of the Realtors Licensure Act have been discussed, as well as that portion that deals with affordable housing. The affordable housing aspect has the strong support of the Illinois Realtors Association. Mr. President, could we have a little attention, I can't ...

PRESIDING OFFICER: (SENATOR DEMUZIO)

If we could have some -- if we could have some order, please. We just have a few bills remaining.

SENATOR JONES:

The affordable housing aspect of this piece of legislation has the strong support of the Illinois Realtors Association, whom I've worked with over the past six months, as well as the Department of Professional Regulation. This is a good piece of legislation. We in Illinois should be out front to afford the citizens of Illinois the opportunity to have affordable housing. Also included in there is the open space legislation. (Inaudible)... Senator Barkhausen amendment speeds up the open space funding from five years to two years. These issues have been discussed, and I ask for a favorable vote on House Bill 788.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Karpziel, if I can see you. Senator Karpziel.

SENATOR KARPIEL:

Yes. Thank you, Mr. President. Well, with all the commotion here after the last vote, I just want to get up and remind everyone that we did kill this bill last time around. It didn't get any better in the interim, just like 490 didn't get any better in the interim, and again I ask for your No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

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SENATOR SCHUNEMAN:

Thank you, Mr. President. Just one more time I think we ought to recognize that this was another -- another deal that was cooked up across the rotunda and should not be supported.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members. Particularly to Members on this side of the aisle who -- who -- most of whom I do have some enthusiasm for the -- trying to rejuvenate the OSLAD program. In responding to my -- my friend and colleague, Senator Schuneman, what really has been cooked up on the other side of the aisle is not just a -- the idea of lumping housing and open space in with the Realtors licensing. What we're facing on the other side of the aisle, my friends interested in open space, is a six-year rather than what this bill provides, a two-year phase-in of the money that we're interested in for open space. What I -- what I see coming next week is the distinct possibility that we're going to get shoved down our throats the licensing and housing bill, which some of you may not like. But a six-year phase-in on the Open Space Program -- I think this is -- this is our best chance to support a program that some of us have been interested in for many years, and as was pointed out this morning, provides as much money for open space within a year and a half as it does for housing. I urge all of you who are at all interested in trying to support this important program to -- to give this some Aye votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a very difficult vote for some of us to make. Those of us that have supported the OSLAD Program in the past, and whose districts frankly have benefited from the

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OSLAD Program, find it impossible however, to vote for a bill that is again being held hostage because of the fact that the Realtors need their license. We start that this year, we're going to have it every single year. If we don't have the guts enough to stand up and send a message to the other house and to the Speaker of the other house that we will not be blackmailed, then we can be look for -- we can look forward to having this done, some program shoved down our neck every single year for every single license. I, for one, will not be a party to it. And although I'm going to have some difficult explaining to do at home, I think it's a good vote, and the good vote is No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Jones may close.

SENATOR JONES:

As I -- as I previously stated, Mr. Speaker and Members of the Senate, this issue has been thoroughly discussed. We know how we're going to vote on this good bill, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 788 pass? Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 23, 3 voting Present. House Bill 788, having failed to receive the required constitutional majority, is declared lost. 1721. Senator Luft. I'm sorry. Senator Berman, I guess it is. All right. On the Order of House Bills, Postponed Consideration, is House Bill 1721, Madam Secretary.

SECRETARY HAWKER:

House Bill 1721.

(Secretary reads title of bill)

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill has nothing to do with radiation protection. What it has something to do with, is protection of all of our lives regarding drug programs and protection from -- for drug programs. This is a formulary whereby DASA will distribute monies for drug-prevention programs according to a formulary that puts the money where the greatest problems are. If you have a drug -- program -- if you have a drug problem...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Excuse me, Senator Berman. Can we take our press conferences off the Floor? Senator Berman.

SENATOR BERMAN:

If you have a drug problem in your community, this will generate drug-prevention money into that community. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Well, thank you very much, Mr. President and Ladies and Gentlemen of the Senate. This is a -- a bill that was first presented to us just a short time ago. I would -- I once more -- once again rise in opposition to this bill. Senator Berman, I think I understand some of the frustration that leads you to introduce this legislation. However, I would suggest to you that this is a knee-jerk reaction and that it is -- it does not do you credit, I do not believe. I think your reputation here is one who is willing to devote the time to study a problem before presenting a solution whose consequences are unknown. I would suggest that in this case what you are proposing to do is to make what could be a

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rather drastic redistribution of drug-prevention monies that support the community-based prevention programs. I would -- and I just don't think that we ought to be taking this step until we have the opportunity to see. Now, you've got a formulary here, which does permit study, so that we can in fact, if we were to spend a little time studying it, see what the consequences would be, but we can't do it tonight. I would suggest that we defeat this proposal, that we study it. We can come back and if it makes sense to us, then we can deal with it next spring, but I -- I believe that one of the consequences, when you think about what you're proposing here, is to shift monies from programs which are successful to those which are unsuccessful. You may, in fact, find that what this formulary does is to reward ineffectiveness, inefficiency. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you. Regarding the timing, Senator Etheredge and others. Senator Watson, I would suggest to you that this formulary has been before us for a longer time than the gas tax increase proposal. So if you're going to vote or consider that one, you ought to certainly give an Aye vote on this one. We've had at least an hour more on this than you will on the gas tax, and I might suggest that the implications of this may be even more serious, because again, it's logical. It says, if there's a drug problem, that's where we want to put the prevention money. So I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1721 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes

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are 28, the Nays are 27, none voting Present. House Bill 1721, having failed to receive the required constitutional majority, is declared lost. 2491. Senator Brookins. On the Order of House -- Consideration Postponed is House Bill 2491, Madam Secretary.

SECRETARY HAWKER:

House Bill 2491.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. House Bill 2491 will create a pre-apprenticeship training board to assist those person seeking apprenticeship with construction trade who needs assistance in meeting entrance standards. And this is to put the bill in conference committee, and what will happen conference committee is that they will negotiate to make the bill and bring it out, including veterans and others, and also make it Statewide, so that the other city colleges can be a part of this, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I rise in support of this bill. I think last time we discussed it when it was voted on, we might have had a -- the wrong idea of it, or perhaps people thought I was rising in opposition. All I was doing was requesting the insertion of the Illinois -- of the Community College Association into or on this commission, and I'd ask for some Aye votes on this side of the aisle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins may close.

SENATOR BROOKINS:

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Senator Karpziel, did you want to come -- Senator Karpziel, if you wanted to come on as a co-sponsor, that would be fine with me, but all I ask for is a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2491 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 35, the Nays are 16, 1 voting Present. House Bill 2491, having received the required constitutional majority, is declared passed. House Bills 2514, Madam Secretary. Read the bill.

SECRETARY HAWKER:

House Bill 2514.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, 2514 amends the Illinois Toll Highway Authority Act, and to be honest with you, there is nothing in the bill that's detrimental to anybody. The quick-take that everybody was so concerned about - Senator Joyce is laughing, thank God - is not in this bill. In fact, there isn't anything in this bill, so we want to send it to a conference committee, and I ask you for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I certainly would concur with Senator D'Arco, that this is a shell bill. It will go in conference committee, and hopefully sometime next week we can work out a reasonable compromise. I'd like to see everybody on this side of the aisle vote for it.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2514 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 49, the Nays are 7, none voting -- I beg your pardon, 2 voting Present. House Bill 2514, having received the required constitutional majority, is declared passed. Back on the -- on the Calendar. Senator Schaffer on the Floor? On the Order of House Bills 3rd Reading, Page 14, is House Bill 2576, Madam Secretary.

SECRETARY HAWKER:

House Bill 2576.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer. Oh, I beg your pardon -- Senator Jeremiah Joyce, for what purpose do you arise?

SENATOR J.E. JOYCE:

I would like to make a motion that we adjourn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce has made a motion that we adjourn till tomorrow morning at nine o'clock. 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 20, none voting Present. The Senate stands adjourned till tomorrow morning. Nine o'clock.

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