

83RD GENERAL ASSEMBLY

REGULAR SESSION

MAY 23, 1984

PRESIDENT:

The Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend William Kruger, St. Luke's Episcopal Church, Springfield, Illinois. Reverend.

REVEREND KRUGER:

(Prayer given by Reverend Kruger)

PRESIDENT:

Thank you, Reverend. Reading of the Journal. Senator Luft.

SENATOR LUFT:

Mr. President, I move that reading and approval of the Journals on Tuesday, May 15th; Wednesday, May 16th; Thursday, May 17th; Friday, May 18th; Monday, May 21st and Tuesday, May 22nd, in the year 1984, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has passed bills with the following titles, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bills 338, 1448, 1522, 1573, 2381, 2553, 2558, 2684, 2877, 2987, 3067 and 3102.

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

Mr. President - I am directed to inform the Senate the House of Representatives has adopted the following joint resolutions, in the adoption of which I am instructed to ask

concurrence of the Senate, to-wit:

House Joint Resolution 148, 149 and 150. All congratulatory.

PRESIDENT:

Consent Calendar. Resolutions.

SECRETARY:

Senate Resolution 641 offered by Senators Egan, Grothberg and all Senators. It's congratulatory.

Senate Resolution 642 offered by Senators Newhouse, Hall, Chew, Collins and others. It's congratulatory.

And Senate Resolution 643 offered by Senator Schuneman and it's congratulatory.

PRESIDENT:

Consent Calendar. All right, with leave of the Body, we'll turn to page 21 on the Calendar, on the Order of House Bills 1st Reading, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1188, Senator Jerome Joyce...Jeremiah Joyce.

(Secretary reads title of bill)

2296, Senator Demuzio.

(Secretary reads title of bill)

2380, Senator Marovitz.

(Secretary reads title of bill)

2444, Senator Maitland.

(Secretary reads title of bill)

2811, Senator Schaffer.

(Secretary reads title of bill)

2827, Senator Egan.

(Secretary reads title of bill)

2856.

(Secretary reads title of bill)

2873, Senator D'Arco.

(Secretary reads title of bill)

2883, Senators Watson and Marovitz.

(Secretary reads title of bill)

2913, Senator Darrow.

(Secretary reads title of bill)

2950, Senator Sangmeister and Bloom.

(Secretary reads title of bill)

3066, by Senators Rupp and D'Arco.

(Secretary reads title of bill)

3068, Senator Schaffer and Rock.

(Secretary reads title of bill)

3086, Senator Philip.

(Secretary reads title of bill)

3087, Senator Davidson.

(Secretary reads title of bill)

3089, Senator Geo-Karis.

(Secretary reads title of bill)

3096, Senator Sommer.

(Secretary reads title of bill)

3101, Senator Schaffer and Watson.

(Secretary reads title of bill)

3204, Senator Bloom.

(Secretary reads title of bill)

3205, Senators Weaver and Watson.

(Secretary reads title of bill)

3208, by Senators Davidson and Coffey.

(Secretary reads title of bill)

3209, Senator Schaffer.

(Secretary reads title of bill)

3239, by Senators Holmberg, Welch and Watson.

(Secretary reads title of bill)

...2347, Senator Bruce.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

All right, a list of recalls have been provided to the

members. Let me just indicate who's on the list. 1521, Senator Netsch. 1612, Senator Philip. 1625, Senator Maitland. 1725, Senator Marovitz. 1733, Senator Philip. 1743, Senator Hall. 1790, Senator Darrow. 1889, Senator Berman. 1896, Senator Holmberg. 1939, Senator Jerome Joyce. 1949, Senator Holmberg. 1954, Senator Bock. Two additional amendments have just been filed on 1941, Senator Holmberg and 1944, Senator Bock. We will attempt to accommodate the members and be a good idea if Senator Maitland...Senator Maitland, are you ready on 1625? It's on the recall list. All right. Senator Marovitz on 1725. All right, with leave of the Body, we'll turn to the Order of Senate Bills 3rd Reading, on page 12 on the Calendar is Senate Bill 1725. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1725, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Is this the...excuse me, is this the amendment that was adopted in committee? 'Cause I think we've already adopted those. Right. So this would not be Amendment No. 1 then.

PRESIDENT:

Three. Put the...you have wrong number up, Mr. Secretary. That's his concern.

SENATOR MAROVITZ:

Amendment No. 3 is an amendment that was prepared in response to questions that were asked by committee members as to which agencies were responsible for performing the various

services in the bill. The amendatory language in Amendment 3 answers the questions as to who performs what. State's attorneys are primarily responsible for...notification and information functions in the bill, that is in this amendment. Victim advocate personnel are responsible for employer intercession in making information available to victims on victim programs and services. The Department of Corrections is the agency required to notify victims of a prisoner's release from custody prior to sentence completion, and also in this amendment it requires that the victim impact statement be prepared in writing under the guidance of the state's attorney before it can be presented to the court at sentencing. This amendment has been worked on and approved by all law enforcement agencies, and I would ask the adoption of Amendment No. 3 to Senate Bill 1725.

PRESIDENT:

All right, Senator Marovitz has moved the adoption of Amendment No. 3 to Senate Bill 1725. Is there any discussion? Senator Fawell. All right, may I ask you to take the conferences off the floor.

SENATOR FAWELL:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Senator, you say that the...someone is to be notified when there is...when the person...when the criminal is...is released. Who is supposed to be notified and how?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

The victim is notified by the Department of Corrections.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

And...and if they can't find the victim, then there's no penalty or anything. Right.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

No, there is no penalty. They have to make all due diligence to notify the victim.

PRESIDENT:

Further discussion? Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Yeah, Senator, I'm...I'm interested in this subject...as I understood you, when the...when the criminal is released from prison that the Department of Corrections is required to notify the victim. Was there another part to this...to this amendment? Is somebody else notified?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

The...the amendment...in committee, Judiciary, we were asked about who would perform various duties. The state's attorney performs some duties in regards to victim advocate programs and dealing with the employer. That...that deals with those people who are part of the victim advocate personnel dealing with the employer intercession and making information available to victims on victim programs and services, and also it deals with a...an impact statement that a victim has a right to make at trial prior to sentencing and that would have to be done in conjunction with the state's attorney of the county.

PRESIDENT:

Senator Schuneman.

SB 1743
Recalled

SENATOR SCHUNEMAN:

So are you telling me that the state's attorney will also be notified when the criminal is released? The state's attorney will be notified?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

The obligation is just on the Department of Corrections to notify the victim.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, well, I...I've had several instances of this kind of problem brought to my attention, and I know that in some cases the...the parole people do notify the state's attorney but I'm not sure that it...that it has the kind of...requirement that I think you're trying to work on, and I'll...I'll come over and talk to you about it, but I...I support the concept of what you're trying to do here.

PRESIDENT:

Further discussion? Any further discussion? If not, Senator Marovitz has moved the adoption of Amendment No. 3 to Senate Bill 1725. All in favor of the adoption of the amendment indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Hall on 1743. Top of page 13. All right, top of page 13, on the Order of Senate Bills 3rd Reading is Senate Bill 1743. Senator Hall 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 Senate Bills 2nd Reading, Senate Bill 1743,

Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Jones.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. Amendment No. 1 to Senate Bill 1743 deals with the district office allowance. It will allow the House of Representatives be authorized to approve the expenditure of not more than twenty-seven thousand dollars a year for each member, and each member of the Senate is authorized to approve the expenditure of not more than thirty-seven thousand dollars. This differential is based on the fact that the House does have single member districts that is half the size of the Senate, and I move for its adoption.

PRESIDENT:

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 1743. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Darrow on 1790. On the Order of Senate Bills 3rd Reading is Senate Bill...bottom of page 13, Senate Bill 1790. Senator Darrow seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 1790, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Darrow.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Senate Amendment No. 1 returns the...the 20th circuit to its original...its original fashion. It deletes Clinton County from the 20th circuit and places Clinton County in the 4th Judicial Circuit. I would ask for adoption of the amendment.

PRESIDENT:

Senator Darrow has moved the adoption of Amendment No. 1 to Senate Bill 1790. Is there any discussion? If not, all in favor...I beg your pardon. Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, Mr. President. I...I guess I just didn't quite hear the explanation of the amendment. I assume that this has something to do with Judicial boundaries. Is that correct, Senator?

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Yes, that is correct. If you recall, I indicated that I would return this bill to 2nd reading after the members had an opportunity to look over the map that we had drawn. In doing that, a number of people from the 20th Judicial Circuit, which is St. Clair, Randolph, Monroe and Clinton Counties approached me and asked that we not have Clinton County in the 20th Judicial Circuit but that we return it to its original circuit and that we leave the 20th Judicial Circuit as it is and that's what this amendment does.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

The a...are we going to have at some opportunity the...the new Judicial Circuit boundaries pertinent to...to your bill be...to be distributed to the membership?

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Yes, hopefully, we'll be able to do that after we adopt the...amendments this morning. I'll ask that the staff prepare a map to circulate.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes, I...I rise to support this amendment and to say that we have worked out...worked with Senator Darrow to work out any problems that we feel may have existed, and I strongly support this amendment.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Watson.

SENATOR WATSON:

You mentioned Clinton County and I'm sorry I wasn't paying attention. Clinton County happens to be in my district. What...what was in regard to that?

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

We are returning Clinton County to its present circuit, and I believe that's in the 4th circuit, so that there would be no change in that circuit.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Who asked for that?

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Well, that was asked for by Senator Hall and his constituents. I think the amendment...the...there is another amendment to follow this that has been worked out with the Republican staff...that if adopted will be the final amendment that we'll be considering on this map.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

As long as it's...that's okay. I'll let it go.

PRESIDENT:

Any further discussion? Further discussion? If not, Senator Darrow moves the adoption of Amendment No. 1 to Senate Bill 1790. All in favor of the adoption of the amendment indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No...Amendment No. 2, by Senator Darrow.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Amendment No. 2 is the amendment that's been worked out by the Democrat and Republican staff that Senator Macdonald spoke to earlier. The staffs have worked this out, it's...creates the Judicial Circuits that I think are most acceptable to both sides of the aisle. Hopefully, after this is adopted we'll be able to put together a map and circulate it among the members and then call the bill for passage tomorrow. I would ask for the adoption of Amendment No. 2.

PRESIDENT:

Senator Darrow has moved the adoption of Amendment No. 2 to House...Senate Bill 1790. Any discussion? If not, all in

*SB 1889
Recalled*

favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 17, on the Order of Senate Bills 3rd Reading is Senate Berman's 1889. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1889, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. First a...a parliamentary inquiry. On line...on line 8 of this amendment, there is the number thirty, meaning thirty days. May I have leave to have that changed on the face to sixty?

PRESIDENT:

Senator Berman seeks leave to change Amendment No. 3 on its face from three to six, 3-0 to 6-0. Is leave granted? Leave is granted. The Secretary will make the appropriate change. Senator Berman.

SENATOR BERMAN:

Thank you. Amendment No. 3, this is the Compensation Review Board bill. There were a couple of errors in the previous drafting. This clarifies that certain salaries that were set forth in the previous drafts were in error as to existing salaries of a number of...of Executive Branch agencies. That's been corrected. This amendment also clarifies the time line for the first report of the board, and as corrected, it will be that they must...the board must report by

September 30th, 1964 or sixty...or sixty days after the effective date of this bill. I move the adoption of Amendment No. 3.

PRESIDENT:

All right, Senator Berman has moved the adoption of Amendment No. 3 to Senate Bill 1889. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Holmberg on 1896. Bottom of page 17, Senator Holmberg seeks leave of the Body to return Senate Bill 1896 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1896, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Holmberg.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

This concerns the Illinois disabled persons identification card, and the changes proposed by this floor amendment are those suggested by the Secretary of State. These changes will accommodate that office in the administration of the card. The changes include a...a more appropriate definition of hearing impaired, creates a Class 1A and Class 2A disability, stipulates that for senior citizens and disabled persons property tax relief, if there is no card the Department of Revenue may assign a physician for examination of the person making the claim; permits local authorities to issue temporary handicapped plates for decals, deletes reference to grants for transportation for handicapped persons and estab-

lishes a 7-1-85 effective date. We have had numerous...conferences with the Secretary of State. I think this is in good order. We have not heard back from one or two of the departments whether this amendment meets their needs, and if for some reason it did not, we would be most happy to amend it even further, particularly in the House.

PRESIDENT:

Senator Holmberg has moved the adoption of Amendment No. 2 to Senate Bill 1896. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The Amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1939, Senator Joyce. 1949, Senator Holmberg. Bottom of page 19, on the Order of Senate Bills 3rd Reading is Senate Bill 1949. Senator Holmberg seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1949, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Holmberg.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

This bill creates the hazardous waste technology exchange at the University of Illinois. What the Floor amendment does is it changes the jurisdiction of the exchange from the University of Illinois to the Department of Energy and Natural Resources. The program would still be located at the university under the jurisdiction of the Board of Natural Resources on...on Conservation which includes within it the water survey, the geological survey and the natural history survey.

AB 1939
Recalled

Basically, still the same bill. The advisory board is no longer appointed by the Governor and the president of the University of Illinois. It's called the Industrial Advisory Committee and will consist of individuals selected by the director of ENE, and we worked this out with the Department of Energy and Natural Resources and the University of Illinois.

PRESIDENT:

Senator Holmberg has moved the adoption of Amendment No. 2 to Senate Bill 1949. Discussion? Senator Grotberg.

SENATOR GROTBERG:

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

PRESIDENT:

Sponsor indicates she'll yield, Senator Grotberg.

SENATOR GROTBERG:

Senator, once more, what are you doing to the surveys, with this amendment, changing their reporting...or their bosses...or their...

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

No, there are no changes made, Senator Grotberg.

PRESIDENT:

Further discussion? If not, Senator Holmberg moves the adoption of Amendment No. 2 to Senate Bill 1949. All in favor of the adoption of the amendment indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, top of page 19, is Senate Bill 1939. Senator Joyce seeks

leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1939, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Jerome Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Amendment No. 3 adds provisions for a two percent set-aside from the cigarette tax to the...go to the Cancer Research Fund to fund the cancer registry.

PRESIDENT:

Senator Joyce has moved the adoption of Amendment No. 3 to Senate Bill 1939. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Whoops. All right, with leave of the Body, we'll return the bill again to the Order of 2nd Reading. There are further amendments.

SECRETARY:

Amendment No. 4 offered by Senator Jerome Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This takes out the provisions that allow the department to request information from any persons in order to obtain data. It also deletes doctors from the reporting requirement.

PRESIDENT:

Senator Joyce has moved the adoption of Amendment No. 4 to Senate Bill 1939. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Holmberg on 1941. Senator Netsch, do you wish to...well, we'll get to that order. All right. Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

A point of personal privilege, Mr. President.

PRESIDENT:

State your point, sir.

SENATOR WEAVER:

I would like to introduce one of our former colleagues, Senator John Gilbert for...

PRESIDENT:

A man who needs no introduction. Welcome back, John. All right, the Chair would just point out it is Wednesday, May 23rd. The deadline is the 25th. We will move to the Order of Senate Bills 2nd Reading. The appropriations bills, I'm sure you're aware, under our rules are not subject to the 25th deadline. Substantive bills, however, are subject. On the Order of Senate Bills 2nd Reading, Senate Bill 1424. Read the bill, Mr. Secretary. I beg your pardon, we've skipped one, unintentionally. On the Order of Senate Bills 2nd Reading, Senate Bill 720. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 720.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Are there amendments from the floor?

SECRETARY:

Amendment No. 1 offered by Senator Euzbee.

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

Yes, thank you, Mr. President. This amendment has the effect of raising the sheriffs' salaries to two-thirds of whatever the state's attorney's salary is in a particular county, and I would move its adoption.

PRESIDENT:

Senator Euzbee has moved the adoption of Amendment No. 1 to Senate Bill 720. Is there any discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

What does the bill currently say prior to this amendment?

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

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

PRESIDENT:

Senator Welch.

SENATOR WELCH:

What does the bill say prior to this amendment you're putting on right now? What's the salary for a sheriff? They're getting a raise and you're changing that raise?

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

The bill is silent on the...on the subject of sheriffs' salaries. It is a bill which pertains to state's attorneys' salaries. My bill says that...rather, my amendment says that

the sheriff's salary will now be two-thirds of what the state's attorney's salary is. This, by the way, has the agreement of the State's Attorneys' Association. It is obviously an amendment from the Sheriffs' Association, but the state's attorneys have concurred with its going onto the bill and so, that's why I offer it.

PRESIDENT:

Senator Buzbee has moved the adoption of Amendment No. 1. Discussion?...wait just a minute, I'm just getting everybody on the same wavelength here. Senator Mahar.

SENATOR MAHAR:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Mahar.

SENATOR MAHAR:

How does this apply to Cook County, Senator Buzbee? Is...does it apply to Cook County?

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Senator, it applies to every county in the State. It...it applies...it specifically addresses two-thirds of the salary paid to the Cook County State's Attorney, the sheriff will receive...and two-thirds in every county throughout the State...the sheriff will receive.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

In the case of Cook County, wouldn't that be a lowering of the sheriff's salary?

PRESIDENT:

Senator Buzbee. Senator Buzbee.

SENATOR BUZBEE:

Yes, I'm...looking. Senator, I'm sorry, I cannot answer your question. I was given this amendment by the Sheriffs' Association and I was told it has the concurrence of the whole Sheriffs' Association, so I'm assuming that the Sheriff of Cook County is in...is in agreement but I can't answer your question.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

I think we ought to clarify that not only for Cook County but for other counties, because it might be a lowering of the salary and I think there'd be some problem there.

PRESIDENT:

Senator Euzbee.

SENATOR EUZEEE:

All right. Let me..let me read the...the new language, "In the case of a sheriff, such compensation shall also not be less than two-thirds of the salary paid to the state's attorney of the county." So that takes care of your problem.

PRESIDENT:

Senator Savickas, will you...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman. Senator Euzbee. Senator Euzbee.

SENATOR EUZEEE:

Further...further clarification, Senator Mahar. Under the current law as reflected in this bill, it says that the sheriff is paid the sum of twenty-five thousand dollars per annum in Cook County, and then the new language says that the sheriff shall get two-thirds of the salary paid to the Cook County State's Attorney or the sum of twenty-five thousand dollars per annum whichever is greater; and then further on in the bill, as I explained to you earlier, in the case of a sheriff, such compensation shall also not be less than two-

thirds of the salary paid to the state's attorney of the county.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator Buzbee, you're seeking to increase the salary for county sheriffs around the State, who would be required to pay these increases?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR EUZBEE:

It'd certainly come from county funds that the county board has control of.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

No...no State money then involved in this, and is there a State mandate's exemption attached to this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR EUZBEE:

No, there is not, but I think that...I think that precedence has been established in the past that the General Assembly has the right to establish salaries of county officials, and we have done that consistently over the years that I've been here where we have established ranges of salaries for county officials without our contributing money to the county to...for them to pay those ranges from...these salaries from.

PRESIDING OFFICER: (SENATOR SAVICKAS)

SB 1424
2nd reading

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'm sure that...that was true for many years, but I...you recall, do you not, that this Legislature passed the State Mandates Act in recent years, and I would have a concern about that that we very well may be increasing county salaries and then would have to pay the bill, so I think that's something that everybody ought to consider here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Buzbee moves the adoption of Amendment No. 1 to Senate Bill 720. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. On the Order of Senate Bills 2nd Reading, Senate Bill 1424, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1424.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senators Netsch and Sangmeister.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The amendment which is jointly offered by myself and Senator Sangmeister to Senate Bill 1424

incorporates all of the changes that we are now proposing to make in what was known as the sex bill from last Session, House Bill 606. What we have done is carefully review all of the communications which have actually been very few in number from the state's attorneys and others who were asked to review the bill. We have closed the gap that was inadvertently left in the bill by the Governor's Amendatory Veto, and we have responded to certain other suggestions. The substantive changes in the basic bill, House Bill 606, are not numerous in number. Some of it is largely a matter of clarification with several fairly modest substantive changes. I have distributed to everyone on the Floor a copy of the full text of the amendment and, in addition, a summary of the amendments so that everyone is able to follow the changes that are being made, both in Senate Bill 1424 and in the bill that we passed last Session. It is, of course, quite essential to pass this bill before July 1 because that is the date that the rewriting of sex offenses takes effect in this State. The...I'll just briefly mention a couple of the changes that are reflected here...did Senator...I'm sorry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Grctberg arise?

SENATOR GROTEBERG:

To ask...Mr. President, the LEB number of the amendment which you are describing. There are several floating around and our staff is concerned as to which one we are adopting.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, do you have that? Senator Netsch.

SENATOR NETSCH:

Yes...yes, to Phil Weber I would say it is the original amendment, not the so-called version No. 2. The LEB number is LBB8306470RCSEAM02. Fine, I think we're clear on that now. Back to the brief summary. I'm not going to go through everyone of the changes because a number of them are...are

really quite technical in nature. As I indicated, we do close the gap that was inadvertently left in the bill by the Governor's Amendatory Veto. We have eliminated the word "physical" from "force and threat of force." It...it was called to our attention by several state's attorneys that that was quite essential because we had...or not we, but the Governor had eliminated the word "coercion" and this left the bill much too restrictive in nature. We have clarified that stepparents can...are involved in the interfamily sexual crimes. We have done one thing that I think is going to be extremely helpful to the state's attorneys, we've made it clear that the use of the word "rape" or any derivative thereof during the course of a trial by a prosecutor, by a witness, by the defendant himself is not inadmissible so that there will be no question that it does not constitute error if that word is indicated. We had made...we thought we had made the record clear on that point before, but I think this simply confirms it. I think that all of you will have an opportunity with the memo and the text of the bill to look this over before it's called on 3rd reading, and I would, therefore, move the adoption of Amendment No. 1 to Senate Bill 1424.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion or any discussion? If not, Senator Netsch moves the adoption of Amendment No. 1 to Senate Bill 1424. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senate Bill 1524, Senator Coffey. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1524.

(Secretary reads title of bill)

2nd reading of the bill. Committee on Transportation offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. We have one amendment here which allows trucks used exclusively for garbage refuse to operate and to have access to certain roads. Last year we passed legislation to allow them to be able to travel upon our highway system and our streets to haul that refuse, and...in doing that, we put State highways, and what we're doing is striking State and saying that they can run upon our highway system.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator Coffey moves the adoption of Amendment No. 1 to Senate Bill 1524. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the floor?

SECRETARY:

No floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading.

PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill 1706, Senator D'Arco. Senate Bill 1749, Senator Hall. Senator Hall on the floor? Senate Bill...1803, Senator Bloom. Read the bill, Mr. Secretary, please.

AB 1803
2nd Reading

SECRETARY:

Senate Bill 1803.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom to explain Amendment No. 1.

SENATOR BLOOM:

Okay. If I could have the attention, the amendment that we put on in committee was technically flawed, and so the Floor amendment that follows, Amendment No. 2, is technically flawed. What we need to do is withdraw it or Table those two and then put on Amendments 3 and 4. If we could mechanically accomplish that, I'd appreciate the assistance of the Chair.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion is to...Table Committee Amendment No. 1. On the motion to Table, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled.

SENATOR BLOOM:

Now I would like to withdraw the Floor amendment, Amendment No. 2, Ken, because that...

SECRETARY:

Is that...is that the heavy one? The big one?

SENATOR BLOOM:

We'll you'd better get down there Schneider, 'cause...what happened was the committee amendment was technically...

PRESIDING OFFICER: (SENATOR BRUCE)

Are there further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Bloom.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom on Amendment No. 2.

SENATOR BLOOM:

Okay, that would be the one I would withdraw.

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, we're...there is...you're on Amendment No. 2 and that is in fact what is before the Body.

SENATOR BLOOM:

That's correct and that is built on the committee amendment which was flawed, so we have to withdraw it, and then there will be Amendment No. 3 which is the revised...

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, Amendment No. 1 was a committee amendment, that has been Tabled. A flawed amendment was...was offered and has been withdrawn and never numbered and so the...the matter before us is Amendment No. 2 which your staff and the Secretary assures me is the correct amendment that you wish to adopt. Senator Bloom.

SENATOR BLOOM:

Yes, I...I apologize to the Chair and the Body. Okay. What is now called Amendment No. 2 allows the Commerce Commission to regulate competition for long distance telephone calls between two or more market service areas in the State of Illinois which accomplishes what we tried to do in the committee amendment. I'd seek its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 2. Discussion of the motion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further Floor amendments?

SECRETARY:

Amendment No. 3, by Senator Bloom.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom is recognized.

SENATOR BLOOM:

Amendment No. 3 was given to me by the Telephone Association and it makes it clear that Senate Bill 1803 would expire at the time the entire Public Utilities Act sunsets. This was suggested by Illinois Bell. I'd urge its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 3. Discussion of that motion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. For what purpose does Senator Hall arise?

SENATOR HALL:

Thank you. Like to go back to that...to Senate Bill 1749, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to return to Senate Bill 1749? Hearing no objection, that is the order. Senator Hall is recognized...read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1749.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Yes. I'm going to return it back to 2nd reading...I have an to agreement with Senator Becker whenever the material was

AB 1863
2nd Reading

here, so let it rest there and then we'll go back.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, you wanted to move it to 3rd?

SENATOR HALL:

I...I want to move it to 3rd right now with the understanding I will call it back to 2nd.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading....Senate Bill 1863, Senator Coffey. EPA vehicle inspections. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1863.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Chew.

PRESIDING OFFICER: (SENATOR BRUCE)

All right,...Ladies and Gentlemen, may I have your attention, please. The particular bill before us has nineteen proposed Floor amendments, and so as we go through it will be important to the sponsor to identify the nature of the amendment and if they have been distributed so the membership can find them upon their desks. There are nineteen separate proposed amendments to this particular piece of legislation. The first amendment, Mr. Secretary, is offered by...

SECRETARY:

Senator Chew.

PRESIDING OFFICER: (SENATOR BRUCE)

Is Senator Chew on the Floor? All right, Senator Jones, are you handling Senator Chew's amendments? All right. If I might have the attention of the Body,...as you look at these amendments, I will give you the last four digits of the LBB number and the amendment under consideration is Amendment No.

1 and the last four digits are AM02. For what purpose does Senator Grothberg arise?

SENATOR GROTHBERG:

Thank you, Mr. President. As we proceed into this very complicated bill, which probably is the most controversial bill before us this year, I wondered if each of the sponsors of amendments have the fifty-nine copies, first of all. I don't want to stop the...stop the railroad, but it would be awfully interesting if it...I'm sure each of the staff members has one, but it would be nice if you got a dozen or so if you circulate both sides of the aisle with every amendment. I actually think it would shorten the debate, because a lot of us are going to get up and talk about something we don't know about if we don't have it before us.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Grothberg, that is a good suggestion. I...the Chair would point out that some of these amendments are...are easily explained. They are in the nature of, perhaps, major changes but requiring few words; and if any five members wish to, we can have a distribution of an amendment. Senator Jones...and the staff does have copies. Okay. Senator Coffey, for what purpose do you arise?

SENATOR COFFEY:

Mr...Mr. President, would...would it be in the best interest if we could come back to this if...for everyone to get organized. I would be willing to take this out of the record if we could get back...

PRESIDING OFFICER: (SENATOR BRUCE)

No, Senator, I think...I think we probably should just...proceed. We're about as organized as we're going to get and today's the last day so...Senator Jones, are you ready on Amendment No. 1? With leave of the Body, Senator Jones will handle the Amendments 1, 2 and 3 in the absence of Senator Chew. Is there leave? Leave is granted. Senator

Jones on Amendment No. 1, and it's AM02.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Amendment No. 1 provides an enforcement mechanism within the legislation. Currently...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order please and may we take our conferences off the Floor. If we can...Senator Jones.

SENATOR JONES:

...yeah, as the legislation is...is introduced, there is no real enforcement mechanism for the Secretary of State, so it provides that...the Secretary of State can refuse the registration if no valid sticker has been issued for the vehicle.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, then Senator Jones moves the adoption of Amendment No. 1. Discussion? Senator...Senator Rock.

SENATOR ROCK:

Well, as I indicated, I, frankly, am a little reluctant to subscribe to this amendment for the reason that a great part of my district, frankly, people have older automobiles, and I would much rather...this is the one that requires the Secretary of State to refuse registration, is that correct? I would, frankly, rather have the people in my district who, unfortunately, can't afford a new automobile, they have the right to be validly licensed and registered, and subject them to whatever penalties there are for failure to have a sticker, but to deny them the right to have a license plate seems to me not in the best interest of the people that I represent; furthermore, as I'm sure everybody here is aware, some years ago we afforded the Office of the Secretary of State the opportunity to dispense license plates through the financial institutions, and I think the latest figures indicate that roughly forty percent of all the license plates

that are distributed, and now stickers, are issued through financial institutions. If we are to ask the financial institutions and the currency exchanges now to require proof of...compliance with emission testing, I would suggest if I were a financial institution official or the owner of a currency exchange that I would gracefully and graciously back out of the program, and then you've got a real mess on your hands; because, as you know, in the County of Cook we have but three Secretary of State facilities, and the lines there are enormous at the moment because of the number of people that avail themselves of those services. If we were to embark on this, I think you're creating a bureaucratic mess, and I am opposed to Amendment No. 1.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I would like to object to this amendment also along with Senator Rock. I think it's...it's going to be extremely costly. It's going to be hard to regulate. I don't think the Secretary is prepared to...to take on this responsibility at this time. I don't think he has the staff or the...as well as the financial institutions, the problem it would cause them, and I'd ask this side of the aisle to object to...to this Amendment No. 1.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As I...I don't have the text of the amendment, but I believe it does substantially what an amendment that...that I also have filed is intended to do, and that is basically to tie the auto emission program to vehicle registration. I think it does it in a slightly different form, but I believe...if I might first ask a ques-

tion. Senator Jones, isn't that the thrust of the amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

All right, then it is consistent with an amendment that I also have filed which I believe is No. 10 and, obviously, I would...speak strongly in favor of Amendment No. 1, as I will of Amendment No. 10. I think that what we ought to recognize is that if we are serious about a vehicle emission program, and it would be nice to think that we are serious, not only because the Federal Government has a one hundred million dollar hammer held over our heads but because we ought to be serious about wanting to clean the air up in our major urban centers in this State, then it seems to me we need to find an enforcement mechanism that is going to work. There are, as I understand it, about twenty-two vehicle emission programs...inspection programs in the United States, and of these, only seven are enforced by a window sticker approach. The others are enforced by something that is comparable to the vehicle registration. That is the one way that you can assure that those who are required to abide by the standards are going to do it. A window sticker program, for one thing, leaves enforcement entirely to the local law enforcement people, basically, the police. What it...they're not going to stop every car, heaven help us, I hope they're not going to stop every car to see whether it has the proper window sticker on it. That means as a...and...and they aren't going to know whether the particular car came from the area which is subject to the auto emission requirement or not. It might be a car that came from another state or another part of the

State not subject to it, and the window sticker doesn't really give them that kind of information. The only way that you can assure that those people who are required to abide by the program are indeed having their automobiles checked and are meeting the auto emission requirements is through a...vehicle registration requirement. Again, if we are serious about this, and I would hope we are, this is the only way in which it can be effectively enforced. The Federal Government has told us that...the Federal EPA has said a...a window sticker program is not effective, a vehicle registration is. I strongly suspect that the State EPA feels the same way, although under constraints from the Secretary of State they are not permitted to say so and the experience in all other states likewise indicates that if you are going to do it effectively, you've got to do it through registration not through a window sticker program. I will hopefully have additional comments to make when my own amendment is up, but I would strongly support the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I just have a question. Senator Jones, how would this affect those people that buy, say, 1940, 1950 year vintage automobiles, restore them to drive them around the streets, would they be licensed to drive these vehicles? Would they get licenses to use these vehicles on the streets?

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Jones.

SENATOR JONES:

Well, currently, most of those vehicles receive a special license to...to operate...you're talking about the antique vehicle, am I correct?

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, there are some that apply for antique plates, but there are a greater majority of them that own these vehicles that use regular license plates that are licensed to any automobile. I guess the purpose is not...if they apply for antique plates, they have an obligation to use the vehicles in parades and whatnot, the others just use it for personal use. Would they be able to use these vehicles?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

Well, they would be able to use the vehicles if they...if they would pass the emission test, and I'm quite certain that if the vehicle has been restored and...and is not emitting pollutions in the air, I'm quite certain that they could qualify like any other vehicle.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, I think that's begging the question, that's a lot of baloney, and you know that and I know that. They don't...won't have catalytic converters on, they have the old...equipment that they had on before. So, obviously, you're saying that they would not be able to drive these vehicles on the streets.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

For those old vehicles, Senator Savickas, if I...if one really going...going to spend all that money to restore that vehicle to drive on our public streets and highways, then I don't think there'd be too much money for also for him to put that emission control on that vehicle wherein they could

qualify.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Egan.

SENATOR EGAN:

Thank you, Mr. President. Just in...in...to...enlighten me, Senator Coffey, you made some reference to the Secretary of State. This is not his amendment, as I understand it, but I would like to know if he has a position relative to it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

From what I understand, the Secretary of State is opposed to the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

However, that's what you understand. I...I take your word for your understanding, but I still don't know what the Secretary of State's position is. Is there someone here that could enlighten me?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

Staff informs me that the Secretary of State is opposed to this amendment and I haven't talked to the Secretary of State personally, but I understand he is opposed to the amendment, but I can't see how he can be in support of a piece of legislation without any enforcement mechanism whatsoever. If we are...sincere about...about BFA legislation and concerned about those millions of dollars that we're going to lose and you want some decent legislation on the books, then you would support this particular amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Senator Jones, and I agree with you. The only problem that I have is, if the Secretary of State doesn't enforce this, through this amendment, and if he is opposed, it's not up to him to offer any alternative, but I would like to know from those who are also opposed, what...a satisfactory alternative is. It seems to me to be an easy, logical, simple way to enforce the...the...the emission standard test. If we, in fact, have an emission standard in Illinois, then we have to enforce it. I...it...it seems like a simple way to do it. I'm curious to know other than the...the logic of the financial institutions' objection, none of which I have heard, what is a better way? It seems to me to be real simple and real good.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

Yeah, Senator Egan, you are absolutely right. As I indicated, if we are really concerned about this legislation, if we want strong enforcement, this is the only mechanism and in other states where at least you have emission control legislation, fifteen of those...of those states have the procedure wherein one would have to show proof of...of passing the emission test prior to getting registration for that vehicle or license plates. Now, and...in those states compliance with the program is above ninety percent. So if the Secretary of State is really sincere, then he should strongly, strongly support this piece of legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President and Ladies and Gentlemen of the Senate, I believe Senate Bill 1863 requires a great deal of more work. This bill is in very poor shape as it is being

discussed now. On the nineteen Floor amendments that are going to be taking the time of the Senate show that this bill should probably be recommitted to committee, and I personally believe that this amendment that is being discussed today, Amendment No. 1, does not strengthen this bill in one iota. What you're doing is you're creating a very serious situation in your major metropolitan areas as far as with the enforcement of this bill. What you're trying to do is to sell the Secretary of States' Office and...have him as an individual require or to refuse registration on an noncompliance of this bill. Anybody with any degree of imagination would realize the fact that there are a lot of older cars in this State due to the higher cost of new automobiles and due to economic downturn of our economy within this State. Everyone doesn't drive a new car. First of all, you're asking for a twelve dollar fee to test the automobile, and then you're stating that in order to comply you may have to spend fifty, a hundred or a hundred and fifty dollars to meet compliance, and if you don't, the Secretary of State is supposed to refuse your registration. That is a very serious thing to many working people in this State. Some people just aren't in the economic bracket to afford it, and I think this bill does not achieve that purpose from an economic, realistic point of view. I don't believe this amendment, and even though it may be good in nature, from a practical standpoint of administrative ability is totally unfeasible and should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Jones may close.

SENATOR JONES:

Thank you, Mr. President. This amendment has been widely discussed, the pros and cons, and as I indicated in my opening remarks, if we are going to have a...an emission testing program and want it to work effectively, we've got to have

the...mechanism to enforce it. Current...the current legislation doesn't provide any enforcement mechanism whatsoever. I urge you, if you are concerned about the pollution problem, if you are concerned about the legislation...working, then you would support this amendment and I solicit a Yea vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Amendment No. 1 to Senate Bill 1863. There's a...there's been a request for a roll call. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Senator Bock. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 10, the Nays are 42. Amendment No. 1 is not adopted. Amendment No. 2, Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. I can understand why Senator Chew left. Amendment No. 2 deletes the home rule preemption and the State mandate's reimbursement exemption. It moves the program up one year. Provides that...provides diesel powered vehicles and second division vehicles over eight thousand pounds in the program. It moves the...the year up from 1-1-86 up to January 1, '85. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, I was seeking recognition before we address Amendment No. 2. I was going to move to recommit Senate Bill 1863 back to committee, and at the appropriate time, I'd like to be recognized for that motion.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, we...we are on the consideration of Amendment No. 2. Discussion of that motion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I would ask again that this Amendment No. 2 be killed for the

reasons that to speed this program up another year would make it difficult for us to get this program ready by 1985. I think we need the additional time to get the program ready. It'll take several months to do so, and I think speeding it up we would not do a good job in implementing this program.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jones may close.

SENATOR JONES:

Yeah, thank you, Mr. President. In response to the...Senator Coffey, I actually believe that we can do the job and we can do the job January 1 if you're really serious about carrying out this emission testing program. The Secretary of State has...at his disposal all the necessary staff and personnel to put this program into place by January 1. There is no need for us to wait until January 1, 1986 to carry out an effective program as it relates to the eight thousand pound vehicle, so I move the adoption of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

There's been a request for a roll call. Question on...is on the adoption of Amendment No. 2 to Senate Bill 1863. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Senator Bock. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 10, the Nays are 41, none voting Present. Amendment No. 2 is lost. Amendment No. 3 offered by Senator Jones.

END OF BILL

BEEL #2

SENATOR JONES:

Ladies and Gentlemen of the Senate, this is a very simple amendment. What the amendment does is include DuPage County in the program. One with all...if you look at the legislation as it is drafted you will assume that only those persons who reside within Cook County or the City of Chicago drive vehicles, but a number of persons from the suburban counties also are driving in Chicago and polluting the air and the air has no distinct boundaries, it goes from one area to the other. So, therefore, including DuPage County in this legislation is a fair, just way of dealing with emission control, and I move the adoption of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Hearing no discussion, the question...Senator Philip, did you wish to be heard on this amendment?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As you know, DuPage County is west of the City of Chicago and Cook County, no question about that. If I remember correctly, the Federal Government does test ozones and I'm not sure how often, I know the city tests it all the time. To my knowledge, in DuPage County there is no ozone problem. We don't have a problem and quite frankly we don't think that we ought to be included, and I certainly would resist this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I...I think that you may not have a problem, but what we are deciding to do in the City of Chicago and the County of Cook is to make sure that

we shift the wind so that you will have some of our pollution; and for that reason, I think you better be included in this bill.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Coffey.

SENATOR COFFEY:

Thank you,...thank you, Mr. President and members of the Senate. I oppose also Amendment No. 3 on the basis that according to the...for Federal approval that DuPage County is not necessary to be included and, therefore, I would ask us to oppose this amendment.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. If Senator Philip is correct that there is no ozone in DuPage County, it's only because they have already transported it to Cook County. DuPage County emits forty percent more hydrocarbons which are the precursors of ozone than does Lake County and Lake County is included. There is absolutely no rational reason why DuPage County should not be included in the emission requirement. I would point out also to some of the other members of the Legislature that if DuPage is included, it is very likely that for those of us in the other included counties, Cook, Lake, and so forth, that the cost will be cheaper; because without DuPage, they will be forced to fail in a larger number of the...those that are being tested than would be true with the inclusion of DuPage which obviously is a heavy automobile area. So that...this is in addition a way of spreading the financial burden, if you will, of the auto emission standard. But I think even more important than that is that obviously DuPage County is with its enormous number of automobiles and its essentially automobile related method of transportation contributes to the entire problem. There

is no question that DuPage ought to be included in the requirement for auto emission testing.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. Will the lady answer a question?

PRESIDING OFFICER: (SENATOR BRUCE)

...she is not offering the amendment, Senator Philip, and she refuses. All right. Senator Philip.

SENATOR PHILIP:

Yeah, I...I understand that, but she made a statement in regard to the figures in DuPage County. Now I...I have seen what the Federal EPA says and the State, and I'd like to know how she backs up her statement in regard to the ozone problem in DuPage County. I mean, she's made a statement...are there any facts to it whatsoever other than...perhaps her staff person whispering in her ear? I mean, let's have some evidence.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Netsch.

SENATOR NETSCH:

Well, Senator Philip, I would suggest I have as much evidence for my statement as you have for yours. Beyond that, I did not say that the ozone was in DuPage, I said that forty percent more hydrocarbons are emitted in DuPage than in Lake County. They are very much related to ozone. I suspect you do ship all of your ozone to Cook County, but you ought to be part of the emission standard because DuPage is...this is not a condemnation, I think it's fine you've got so many automobiles. We haven't given you as much of a public transportation system as we should have, that's one reason why you have to use your automobiles. But the fact that you have them and use them in such large numbers means you are contributing to

the pollution of air in that metropolitan area; and for that reason, you ought to be included.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Well, I...obviously the lady has no facts to back up her statement. At least I have the Federal EPA who will tell you their only problem is in the City of Chicago and Cook County and in...I believe Waukegan and East St. Louis and a few other places. I rest my case...on...on that, quite frankly, and we do have public transportation in DuPage County, not to any great extent; but I might suggest to you that the buses are more of a problem than the automobile, and we ought to think, quite frankly, of doing away with the diesels or gasoline and using electric which they did in Chicago a long, long time ago which was cheaper and much better all the way around than worry about automobiles.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jones may close.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. In listening to the gentleman from DuPage County, you would think that...that...that the winds blow from the east to the west, but actually the winds blow from the west to the east. The weather that we receive in Chicago doesn't come from Indiana and Ohio, it comes from the western states. DuPage County, as you indicated, lies west of the City of Chicago, lies west of Cook County. So, therefore, if your ozone level is low, it's only because the winds blew it to Cook County. Now, if you are really serious about a EPA...emissions program...then you will support this legislation. There is no way on the God's green earth to think that the emission that is emitted in DuPage County stays in DuPage County. The western winds blows it to Lake, it blows it to Cook, and when

it hits the wall to Lake Michigan it stagnates and hangs over the City of Chicago. But the gentleman in...in opposing this legislation indicates that they don't want any emissions control program, all they want to do is try to penalize certain persons in certain areas to pay for the pollutants that come into the City of Chicago or Cook County. Perhaps what we should do in Cook County is pass legislation that vehicles who do not have an emission sticker on their automobile should not be permitted to drive the streets and highways of the city and Cook County. So if you're really serious about this matter, then you will support this legislation. If you're not serious, you're only playing games, then oppose it.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Amendment No. 3 be adopted. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 25. Amendment No. 3 is adopted. Further amendments? Senator...

SECRETARY:

Amendment No. 4, by Senator Watson.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Iechowicz.

SENATOR IECHOWICZ:

Well, Mr. President and Ladies and Gentlemen of the House, I believe that my opening statement in reference to when we discussed Amendment No. 1 is really...appropriate. I'd like to move to...to move to recommit Senate Bill 1863 back to committee. We have approximately fifteen more amendments to be considered. And unfortunately, this bill as it is being presented...or in its present shape on the Floor does not even meet the Federal guidelines on the testing procedures that they discussed with this State, and, for that

reason, I make that motion at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is by Senator Lechcwick to recommit Senate Bill 1863 to the Committee on Transportation. And that...the motion is debatable. Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. This bill was introduced to protect some Federal dollars, and I think some of those Federal dollars we're discussing and those projects that are being discussed are from the area within which we are trying to implement this legislation. And I think we're...I don't think this State after just passing a road program, I don't think we want to be in a position to jeopardize a hundred million dollars to road construction in this State after this recent tax increase. I think it's a very necessary piece of legislation and I think we need to deal with it. I think...I realize those specific projects that will be eliminated will be within the areas that we are discussing here today. But if those revenues are lost within the city and East St. Louis and others, you can bet that that means less money for other roads in the State of Illinois, and I think we ought to object to this motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise also in opposition to the motion. We've been playing a...I guess a few games here this morning up-to-date, and I think at this point we really ought to stop and be very serious about what we are doing. There are at least two reasons why this bill should not be recommitted, why it has got to be passed in the best form possible. One is the dollar impact which Senator Coffey has just referred to. There is no reason at this point to think that the Federal Government is kidding us. They

have...they've sort of dallied around for years and years but I think at least the administration, the State administration, is persuaded that they now really, really mean it. We are going to be penalized. That's a fairly important reason, I suppose particularly important to all of you who are from downstate and...and outer suburban areas who are terribly dependent on the road program. The second reason, which I would like to underscore because it's...it's much easier to talk about the dollar impact, is that we really ought to cleanup the air in these metropolitan areas. Sure, it would be nice if the program were Statewide but it does not appear that it has to be enforced Statewide in order to address the problem of unacceptable pollution standards in these metropolitan areas. We are nuts if we do not recognize that not only are we penalizing ourselves, we're penalizing future generations and we're actually going against one of the few issues and few areas on which a vast majority of the American people really do feel very strongly; and that is, they will not budge an inch on environmental issues. Whatever the conservative way that may be sweeping the country in other areas, it is not affecting the commitment of American people to wanting to cleanup all of those parts of their environment which can be cleaned up and, heaven knows, the air is one of them. We are strangling ourselves on polluted air and automobiles are the number one source in an area like a metropolitan area. We should address this problem whether or not we had a one hundred million dollar hammer hanging over our heads. We should address this problem, and I think we are going to regret the day if this bill is not allowed to survive, get cleaned up if necessary, and ultimately be passed.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. I have Senators Collins, Philip, Nedza and Kustra. Senator Collins.

SENATOR COLLINS:

I...I guess I would like to ask a question of the sponsor although he's not the...the maker of this motion. And...and I've heard all kinds of conflicting information as to the...the actual deadline for this program before we are penalized...finally penalized by the Federal Government and I want a straight answer because I've heard that we have up until '87 to put this program in place. Now, where...where did you get your information from that this is something that have to be done right now?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator Coffey, the...the Chair would advise you that...if pursued, I believe the question is probably not in order, but if you would keep your answer as brief as you can, we could get to the question. Okay. Senator Coffey.

SENATOR COFFEY:

The...the Federal EPA has give us to July 1st, 1984, and the sanctions are already...are starting to...to be put in place for the enforcement. Then we will be given time...once we implement the legislation, then we'll be given until 1986 or '87 to get the thing in place because it does take some time. We have...we have to have...we have to have the procedure pass the General Assembly by July 1st, 1984.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins. Now...Senator Collins, this is...the motion is to recommit.

SENATOR COLLINS:

Yeah, but I...I think...

PRESIDING OFFICER: (SENATOR BRUCE)

And...and make...the maker of the motion is Senator Lechowicz, and if you have questions...Senator Coffey is not the maker of the motion, the motion under consideration is Senator Lechowicz'. Senator Collins.

SENATOR COLLINS:

...okay, then...point of personal privilege or...or what-

ever...

PRESIDING OFFICER: (SENATOR EBUCE)

All right.

SENATOR COLLINS:

...means that I can express what I have to say, because this is...as Senator Netsch said, this is an important issue and we should take some action to deal with it. However, the...the form in which this bill is presented before this Body most certainly can cause more problems than I think the Federal penalties for a lot of people. We need to take time and I think we have the time to work on a bill that would address this problem with the least hardship imposed on those who cannot afford the...to pay for the...the cost of this program. This bill does not address many issues that I feel should be addressed. It has been thrown together. I understand it has provisions for a monopoly on...on...on...on...on the running and construction of these testing centers. I disagree with it. There are many of us feel that it should be decentralized, and even though we feel that way, we need time to work out adequate methods to ensure that the program...people are not...that the program is not abused. There are other...there are about thirty some amendments filed on this legislation. I don't think at this time in the Session that we going to have a chance to work out the problems with this bill and do a good job on it. I think we should let this bill stay until the fall and come back here and pass it, when we've had time to adequately address this issue.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just might make this comment, I've talked to my weatherman. The prevailing way...winds are southwest,

although I notice you didn't put Will County in. I might suggest this that the suggestion on the areas that had the ozone problems and what counties to include and exclude did not come from the State EPA or the Governor's Office or this side of the aisle, it came from the Federal EPA, it's their suggestion to solve Illinois' problem. Now, quite frankly, you know, it became a political thing. I mean, you people over there decided that DuPage County ought to be in it like everybody else. But it's not our idea, it's their suggestion. I happen to think they know more about it than anybody on the Floor of this Senate, and I'm willing to take their suggestion. Now, you know where the problem is, get on the southwest side or the west side of Chicago and see those smokers going down Congress Street or Dan Ryan. About every half a mile you'll see a car pulled over with three or four red stickers on it, a flat tire and the hood up. I call it the combat zone, that's where the problem is. And most of those people, quite frankly, with those junk cars they got could never pass the test. So I'm suggesting, Senator Lechowicz is probably right, it ought to go back to committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the motion to recommit to committee. Wherever the winds blow, whichever direction they do, the so-called experts would have to basically show us where they stop, where they start, where the accumulation starts. And as Senator Philip has said that they're the experts and they know what it is. But apparently that there are many members of this Body that feel that there is problems with it because there are some twenty plus amendments to this bill. And in order to have the bill and have to...this

Body and the House come to a final conclusion, I think that it should go back to committee. There's a summer that they can hold hearings for, it wouldn't...when it comes back to us there would be no need for some twenty plus amendments to a bill, it could be worked out, we're going to be back here in the fall and if the Federal EPA wants to put a gun to our head they better have good bullets in it because we can set up some legislation to get even with them also.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Kustra.

SENATOR KUSTEA:

Thank you, Mr. President and members of the Senate. I would be the first to admit that this piece of legislation as far as the threatened Federal monies does not affect my district the way it affects some districts downstate. And yet as I've listened to this debate and I have listened to the proponents and the opponents of this legislation over the last few weeks, I hear little specifics about what this program is really going to do to solve the problem of air pollution in big cities, I mean specifics, I mean scientific information. As a matter of fact, I have a letter here that the director of the EPA for Illinois sent to the regional administrator of the U. S. EPA and one of those sentences says, "Many changes have occurred since the formulation of the original inspection maintenance plan in 1979 which affect the projected cost and effectiveness of any particular form of inspection maintenance program. Most important among these are the greatly diminished projected emissions in 1987 from the post-1981 segment of the fleet." I guess that's bureaucrats for saying that the problem ain't so bad today as it was in 1979 and that it's getting better, and I guess it's getting better because the Federal Government has cracked down in a number of significant ways on those automobiles. I don't hear the Governor or the EPA or anyone else

really detailing for us how much clean air we're going to get as a result of this. I hear everyone talking about how many Federal dollars we're going to save as a result of this bill. If this State...if this State and our Federal Government was truly serious about cutting down on air pollution in the cities and in the greater Chicago area, then all counties in the greater Chicago area would be included in this bill but that has never been proposed. We have all kinds of scientists coming forward telling us that we can limit it to this county and that county for obvious political reasons. Senator Netsch, you cite a poll telling me that folks out there are in favor of clean air, of course they are but I think this Body ought to take a good look at a more specific poll you might want to conduct on whether or not they want to run their cars through these inspection lanes, how much it's going to cost them, what kind of...bureaucratic entanglement they're going to become involved with as a result of this program. This bill is not ready for passage in this General Assembly and I don't think the people in the State of Illinois are ready for this bill in its current form. I think Senator Lechowicz has hit the nail right on the head. I agree with Senator Nedza, the Federal gun may be to our head, it's time we tell the Federal Government, we're going to do this our way not it's way even if the money is at stake here. I would vote to recommit this bill.

PRESIDING OFFICER: (SENATOR EBUCÉ)

Further discussion? Senator Lechowicz may close.

SENATOR LECHOWICZ:

Ladies and Gentlemen of the Senate and thank you, Mr. President. This is a very serious matter. It's a matter that, yes, there are Federal dollars involved, approximately a hundred million dollars. It's a serious matter as far as air pollution and the quality of air in this State. It's a matter of...quite a bit of concern as far as the number of

counties that would be included under this proposal, but, unfortunately, Senate Bill 1863 does not meet the requirements that were recommended by the Federal Government. I studied this proposal, in fact, the Governor six years ago created a task force because at this time this matter was before discussion by the Federal Government. In fact the chairman of the task force was the...one of the labor leaders from Peoria and also the cochairman of that same task force was the president of John Deere, two very qualified capable people who had hearings throughout this State; and if you recall, Representative Ted Meyer had this bill in the House a number of years ago in a little bit of a different format. Also presently pending in the House is a bill of a similar nature which would encompass the number of counties that are required...minimum requirement for consideration. 1863 based on what's before us today and a number of amendments does not really qualify for anyone's fair consideration. This matter should be referred back to committee, and rest assured, I, for one...and anyone who knows me realizes that I'm very cognizant of the fact that Illinois should receive every...Federal dollar that's available for any specific worthwhile purpose. And in no way would I jeopardize one penny of Federal money coming into this State for a good purpose. This is a good purpose but unfortunately this bill is not constructed in the proper manner for the consideration of this Body and, for that reason, I move to reconsider and have 1863 be rereferred back to the Transportation Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to recommit Senate Bill 1863 to the Committee on Transportation. All right. Is there a request for...the requirement is for a thirty vote majority and is there a request for a roll call? Hearing one, roll call is required. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Thirty affirmative votes are

required for passage of this motion. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 21, 1 voting Present. The motion to recommit prevails. Would the sponsors of these amendments...if you wish, the Secretary will set them aside here for awhile, on this particular piece of legislation. Those amendments will not go back to committee with that bill. So if you have them and would like to have them considered, you should pick them up from the Secretary before the close of business or he will file them. 1869, Senator Etheredge. Senator Etheredge. 1873, Senator Davidson. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1873.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Insurance and Licensed Activities offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIESON:

Move the adoption of Committee Amendment No. 1 to Senate Bill 1873. This committee amendment puts in the language in correct form that...so that if a worker...a State worker had a disputed workmen's comp. claim and it had not...had been held up that the disability funds they had received from the retirement system could be recovered if and when the Industrial Commission would make a decision on their workmen's comp. claim and did receive money through that purpose. This is a amendment to give the retirement system a chance to keep itself on a more financial need basis and keep the employee from collecting twice.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson moves the adoption of

Committee Amendment No. 1 to Senate...Committee Amendment No. 1 to Senate Bill 1873. Is there any discussion? Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Any further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2, by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Committee...I'm sorry...Amendment No. 2 is an amendment that provides for the early opt out retirement for the Chicago teachers the same provisions that we had adopted last year for the downstate teachers. I move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Berman moves the adoption of Amendment No...Amendment No. 2 to Senate Bill 1873. Is there any discussion? Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Amendment No. 3, by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, this is a technical correction. This amendment...simply...relocates the recovery language from paragraph 138.21 to paragraph 138.8J of the Workmen's...Worker's Compensation Act. Move the adoption of

*AB 1925
2nd Reading*

the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson moves the adoption of Amendment No. 3. Is there any discussion? Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1906, Senator Eruce. Read the bill, Mr. Secretary, please. Whoop...uhqop...take it out of the record. With leave of the Body, we'll take that bill out of the record. Leave granted? Leave is granted. Senate Bill 1912, Senator Luft. 1925, Senator Bloom. Senator Bloom on the Floor? Senate Bill 1935, Senator Marovitz. All right. Page 5, Senate Bill 1935, Senator Marovitz. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1935.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Public Health, Welfare and corrections offers five amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and members of the Senate. At this time, I would move to Table Committee Amendments No. 1, 2, 3, 4, and 5.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz has moved to Table amendments...Committee Amendments 1, 2, 3...4 and 5. Is there any discussion? Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendments 1, 2, 4 and

Sare Tabled. All right, 1, 2, 3, 4 and 5 are Tabled. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 6 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much Mr. President and members of the Senate. Amendment No. 6 to Senate Bill 1935 is the combination of extensive discussions with a variety of interests throughout the State on the issues of nursing home reform. We have had meetings for weeks and weeks and weeks with providers, with advocates with the government's people, the Department of Public Health, the Department of Public Aid. This amendment incorporates the intent, if not the language, of the first five amendments and other technical and substantive languages as a result of the discussions that we've had. We believe that the bill with this amendment will provide for the kind of nursing home programs that we want in this State and one which mandates a tough enforcement on those who would give poor quality care and yet fair to the good operators who form the vast majority of nursing home providers today. And I want to make that very clear that we're...we're aiming at getting at those few people who give the entire industry a bad image. Briefly, this amendment allows resident funds to be turned over to the executor of the estate when a resident dies in a nursing home. It adds a section to provide for additional contract requirements concerning Medicaid residents in a nursing home. It clarifies the Department of Public Health's right of entry authority for unlicensed

homes, this was modeled after the Child Abuse Statute passed in the State of Illinois. It clarifies the right of access of facilities for state's attorneys and Attorney Generals and other law enforcement agencies. It clarifies the notification section to stipulate that such notice in itself...when there is a...a problem in a home of a major...of a major nature, it will not bring about enforcement action in and of itself. Specifically authorizes the department to participate in Federal programs. It provides for five thousand dollar a day fine for the operation of unlicensed, unlicensed, homes. The bill itself clarifies the department's authority to issue waivers and the amendment further clarifies the status of existing waivers to...states that those waivers can be withdrawn for cause. The intent of the amendment is to say that these waivers are not to be jeopardized by this bill itself but it is not intended that the existing waivers are to be exempt from future programmatic or situational changes which may come up...these must be dealt with by the department on an individual nature. The amendment also clarifies and fine-tunes the process of assessing fines and penalties including those for repeat or continuing violations. It changes the penalties from a Class A misdemeanor to a business offense with a fine of up to ten thousand dollars and stipulates that the director must refer, must refer, potential criminal cases to the state's attorney or Attorney General for prosecution. In this amendment we're stating that hearings on A violations, those are life threatening violations, will commence within seven days of request and conclude within thirty days of commencement. We further stipulate that coroners and medical examiners should conduct an inquest in cases of suspicious deaths in nursing homes. Finally, the Criminal Code is amended to strengthen the State's position regarding abuse and neglect cases, and where there is intentional abuse and neglect those will be Class 3

and Class 4 penalties. We have dealt with the state's attorneys throughout this State and this is the language that they feel is necessary to prosecute these very serious violations in nursing homes. Overall this amendment will address most concerns raised by interested parties but we'll never be able to have everything for everyone. I must say that I want to commend those people from the department, from the Illinois Citizens for Better Care, the State's Attorneys Office, the Attorney General's Office, the Governor's Office, the providers for working with us for weeks and weeks and weeks to draft this amendment which I think now has just about everyone's agreement, in fact, all the members of the Senate will be receiving letters from...from many of those parties over the next couple of days about their agreement and cooperation on this landmark legislation. For the record, I'd like to clarify what our intent is in relation to Section 3304 of the Nursing Home Care Reform Act that's being amended by this amendment, Amendment No. 6, to Senate Bill 1935. Section 3304 is being amended to streamline the reporting process so that the Department of Public Health can publish a quarterly list to help the general public when they need to select a nursing home for their family, friends or members. The conditions and requirements in this change suggested in 3304 are minimums only. In no way do we mean to limit or prevent the department from publishing other lists of information. Amended Section 3304 is a minimum of what and by when information should be prepared. The amended section is not meant to limit the department to preparing just the information contained in the new language of Senate Bill 1935. The department may certainly exceed these minimums and may prepare other information and lists it believes helpful to the public, and most importantly, when someone is...is requiring information and they have to send a family member or a friend to a nursing home, the department has promised

that they will...and of course the Department of Aging is also going to be doing this, preparing a list that will make it easier for the consumer and family members to find out which homes are quality homes and are best to be referred for their family members and friends. Basically this is Amendment 6, it is the...the result of weeks and weeks of negotiation with everybody, and I really thank everybody for their cooperation on this landmark legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz has moved the adoption of Amendment No. 6 to Senate Bill 1935. Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senator Marovitz, you've done an excellent job of explaining the amendment, I think. This is the first time that...that I've seen it, I will admit to you and I...I don't really have a...a breakdown. You indicated the...the people who have been involved in the negotiation and the discussions and I...I believe that you implied that everyone is signed off. Is this...does this mean the...the Nursing Home Association, everyone has said this is a...a great amendment and we are accepting it? I happen to be one who has subscribed to the theory that...that the original Reform Act that we passed out of this Body some years ago had the necessary teeth in it, all we had to do was enforce it. And I...I am concerned from time to time as we continue to move and adjust that Act. And my question to you is, has everyone signed off, is everyone in complete agreement on this amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Sponsor indicates he will yield. Senator Marovitz.

SENATOR MAROVITZ:

I'm not sure that you're going to find everyone in complete agreement on anything in life, but I think that everyone is in as much agreement as could possibly be...be concluded on this amendment and that includes the providers. You will be getting a letter from many of those providers, particularly the Illinois Association...on Long-term Care which Pete Peters lobbys for. I have talked with their group, I've talked with Tom Duffy and Chuck Schrader and their group, and Homes for the Aged, Dave Ward and his group, they have all cooperated in putting this bill together and their concerns have been met by this amendment. They agree that their concerns have been met by this amendment. The Department of Public Health has helped draft this amendment. I've talked to the Governor's Office as well as the advocates from the Attorney General, the state's attorneys, the Illinois Citizen's for Better Care, and I think that...that this amendment does, in fact, indicate the cooperation and agreement, substantial agreement of all parties to...to Amendment No. 6.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Further discussion? Senator Maitland. Further discussion? Senator Geo-Karis.

SENATOR GEC-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I believe that this amendment reflected all of our concerns that we expressed in the meeting, and I am speaking in favor of it.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Further discussion? Senator Marovitz moves the adoption of Senate...Amendment No. 6 to Senate Bill 1935. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 6 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

3rd reading. With leave of the Body, Senator Blcom was off the Floor, we'll go back to Senate Bill 1925. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill 1925, Mr. Secretary.

SECRETARY:

Senate Bill 1925.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Bloom.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. Background, Senate Bill 1925 is to a degree an omnibus...bill that results from the five-year review of...the sunset review of the Joint Committee on Administrative Rules for various agencies. Amendment No. 1 comes from the Department of Law Enforcement and it authorizes them to set and establish fees for access to their computerized criminal history records. It's the statutory responsibility of the Criminal Justice Information Authority and is dealt with in another bill, 3103, but their part of it is this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Senator Bloom moves the adoption of Amendment No. 1 to Senate Bill 1925. Is there any discussion? Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

Amendment No. 2, by Senator Eloom.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Eloom.

SENATOR ELOOM:

This comes from the Department of Agriculture. It clarifies the department's authority to charge a fee to losing complainant under the Motor Fuel Standards Act for administrative costs.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bloom...Eloom moves for the adoption of Senate...Amendment No. 2 to Senate Bill 1925. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Amendment No. 3, by Senator Eloom.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Eloom.

SENATOR ELOOM:

This clarifies the rule making of two agencies, the Department of Public Health, which is required to promulgate rules regarding types of records which alcoholism facilities and programs must provide and the fees are made applicable to such programs. The second agency is the State...Fire Marshal and this permits him to promulgate fees requiring tank repair contractors to file certificates of insurance and rules governing the dismantling of abandoned bulk storage plants.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bloom moves the...adoption of Amendment No. 3 to Senate Bill 1925. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right. Senate Bill 1942, Senator Marovitz. Senator Marovitz, 1942. Page 5, all right. 1947, Senator Welch. Senator Welch on the Floor? Senate Bill 1947...all right, read the bill, Mr. Secretary, please on...1947.

SECRETARY:

Senate Bill 1947.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

This is...this is the committee amendment? Right. I would move to Table the committee amendment. There's...there's also a Floor amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch moves to Table Committee Amendment No. 1. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is Tabled. Any further committee amendments?

SECRETARY:

No...no further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2, and this bill did have a request for a fiscal note which has been answered...by Senator Welch, Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch is recognized on Amendment 2.

SENATOR WELCH:

Thank you, Mr. President. This amendment totally changes

the bill. The bill as introduced was a one-cent per gallon tax on generators of hazardous waste. The purpose of the initial bill was to raise some 6.2 million dollars. This amendment, if adopted, will raise a much lesser sum of 4.4 million dollars. What we have done is used brackets instead of a penny a gallon on generators. We have divided the types of waste that should be taxed and to those we want to discourage more than others; in particular, any hazardous waste which is recycled will not be taxed at all. Hazardous waste which is treated on-site which remains hazardous waste even though it is treated shall not be subject...shall be subject to a tax at half the rate of waste which remains hazardous and being not treated. Hazardous waste which is treated on-site and then does not become hazardous waste will not be subject to the tax. So we are encouraging people to treat hazardous waste and...and render it nonhazardous. We have put in a category of acutely hazardous wastes which shall be subject to a different tax than the other categories. The main difference is that under one thousand gallons of acutely hazardous waste will be taxed at five hundred dollars. Another category of hazardous waste which is treated on-site but is still hazardous will have brackets going from two hundred and fifty dollars up to forty thousand dollars. The first one thousand gallons will not be taxed. Hazardous waste which is not treated or is treated off-site will be subject to a tax that would be double the tax on hazardous waste which is treated on-site but is still considered hazardous. In addition, what we have done is put a fee in for each...special waste stream application of twenty-five dollars and a two hundred and fifty dollar fee for each special waste hauling permit. That is basically what this amendment does.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Senator Welch moves the adoption of Amendment

No. 2 to Senate Bill 1947. Is there any discussion? Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President. Senator, we're just going over the amendment and if you would yield, who gets hurt by this amendment and who gets helped? Let's get it down to where it's at.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Well, one of the problems in a penny a gallon tax is that those at the higher...highest end of the scale would have ended up paying perhaps a million dollars. One firm I think would have paid that much. So we didn't want to drive them out of the State of Illinois, that was one of our concerns.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Grothberg.

SENATOR GROTHBERG:

Well, I...I appreciate the response. You're talking about the deep well people who pump in the hundreds of millions of...gallons are graduated to what? Let me just take a peek. You get an eighty thousand dollar cap on a deep well and it's essentially the deep well people that this amendment affects?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

The...Senator, in part that is correct, but the major thrust of the amendment is to encourage recycling and treatment of waste, that's why we developed several different categories instead of lumping everybody together in a penny a gallon. But, yes, the...the deep wellers would end up having a cap of eighty thousand dollars, so it does benefit them.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Grothberg. All right. Further discussion? Further discussion? Senator Welch moves the adoption of Amendment No. 2 to Senate Bill 1947. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

3rd reading. With leave of the Body, we'll go back to...with leave of the Body, we will go back to Senate Bill 1942. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill 1942. Senator Marovitz on the Floor? Senator Marovitz on the Floor? Senator Marovitz on the Floor? Senate Bill 1942, read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1942.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Marovitz.

SENATOR MAROVITZ:

Table Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Senator Marovitz seeks leave of the Body to withdraw Amendment No. 1. Is leave granted? Leave is granted. The amendment is withdrawn. Further amendments?

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Marovitz.

SENATOR MAROVITZ:

I think that's the one we just withdrew, isn't it?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Withdraw this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Marovitz.

SENATOR MAROVITZ:

Okay, this amendment requires that the alphabetical list of substances compiled...compiled from the material safety data sheets which we passed last year on the Worker Right to Know legislation be submitted to the local recognized health department or if there is no health department to the county clerk. It requires that the Department of Labor provide postcards to the health department or county clerk to be used for citizen requests for the material safety data sheets and also includes a retail exemption as requested by the Retail Merchants' Association. This would...this would make the information available on the material safety data sheets about carcinogenics and...toxic substances in the community available to consumers and citizens across the State of Illinois upon request. And I would ask for adoption of Amendment No. 1 to Senate Bill 1942.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Is there any discussion on this amendment? All right. Senator Marovitz moves the adoption of Amendment No. 1 to Senate Bill 1942. If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

3rd reading. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President. It was my opinion that you're supposed to preside up there and keep things rolling, and I don't think you should be up there handpicking these Senators who are not in their seats. If they're not in their seats, we who sit in our seats constantly day in and day out have to listen to where is Senator Marovitz or where's this Senator, where's that Senator and you wait until they are...are called I don't think is right. Keep them rolling, you're a good administrator, you're a good presider, so keep them rolling.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you, very much, Senator Vadalabene. The...the Chair and the membership are cognizant of your...of your admonishment and we'll in fact...do just that. All right. Senator Marovitz for...what purpose do you arise?

SENATOR MARCVITZ:

Well, just on the point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR MARCVITZ:

I hate to respond, but I don't ignore school children when they come from...on busses from my district and that's where I was, and perhaps if you ignore them, Senator Sam, that's your problem, I don't, I apologize.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR VADALABENE:

Senator Marovitz can enjoy school children just as much as anyone else and so do I but we got a job to do. I missed a lot of hospital people here yesterday and I enjoy the hospital people.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Page 5, Senate Bill 1952, Senator Rock. 1955, Senator Egan. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I have discussed the matter with Senator Philip and it appears to be getting awfully late in June here in May early. We will begin on page 11 where we left off with Senate Bill 1673 on the Order of Senate Bills 3rd Reading when we return from lunch. I would move that we stand in Recess for one hour and at one-fifteen we will start with Senate Bill 1673, the mandatory seat belt bill. Move we stand in Recess for one hour.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Senator Rock moves that the Senate stand in Recess to the hour of one-fifteen.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. With leave of the Body, we'll move to the Order of House Bills 1st Reading on page 21. House Bills 1st, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 338, Senator Eruce.

(Secretary reads title of bill)

House Bill 1448, Senator Legnan.

(Secretary reads title of bill)

House Bill 1573, Senator Eruce.

(Secretary reads title of bill)
2253, Senator Eerman.
(Secretary reads title of bill)
House Bill 2398, Senator Farrow.
(Secretary reads title of bill)
2512, by Senator Earkhausen.
(Secretary reads title of bill)
2684, Senator D'Arco.
(Secretary reads title of bill)
House Bill 2783, by Senator Nedza.
(Secretary reads title of bill)
House Bill 2804, by Senators Egan and DeAngelis.
(Secretary reads title of bill)
House Bill 2869, Senator Schaffer.
(Secretary reads title of bill)
House Bill 2926, by Senator Chew.
(Secretary reads title of bill)
House Bill 3050, by Senator Nedza.
(Secretary reads title of bill)
House Bill 3052, by Senator Eerman.
(Secretary reads title of bill)
House Bill 3067, by Senators...Schuneman and Nedza.
(Secretary reads title of bill)
House Bill 3070, by Senator Jeremiah Joyce.
(Secretary reads title of bill)
House Bill 3102, by Senator Eloom.
(Secretary reads title of bill)
House Bill 3144, Senator Keats.
(Secretary reads title of bill)
House Bill 2934, Senator Davidson.
(Secretary reads title of bill)
House Bill 2936, Senator Davidson.
(Secretary reads title of bill)
House Bill 2937, Senator Davidson.

(Secretary reads title of bill)

House Bill 2838, by Senator Davidson.

(Secretary reads title of bill)

House Bill 3120, by Senator Nedza.

(Secretary reads title of bill)

1st reading of the bills.

House Bill 3197, by Senator Schaffer.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDENT:

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

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I would like to add as a hyphenated cosponsor to me on House Bill 3098, Senator Jerome Joyce.

PRESIDENT:

3098, the lady asks leave to have Senator Jerome Joyce shown as the hyphenated cosponsor. Leave granted? Leave is granted. All right, if you'll turn to page 11 on the Calendar, we will continue where we left off. 1673, Senator Chew. 1685, Senator Savickas. On the Order of Senate Bills 3rd Reading, Senate Bill 1685. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1685.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I just got an offer for a deal here from Senator Netsch. Mr. President and members of the Senate, Senate Bill 1685 is a permissive bill, it applies both to Chicago and downstate schools. It allows that when a school year extended due to a teachers' strike, for example, the date of high school grad-

uation is also delayed. If the extended graduation date is June 20th, this is an example, it may preclude high school seniors from enrollment in summer school or reportedly in some service academies which begin their classes in early June or July. It also would allow those children in the Chicago high schools to get cut and compete with other graduates in the job market. It's a simple bill, it's permissive, it allows the district to set the policy to do this and I would ask its favorable adoption.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1685 pass. Those in favor will vote Aye. Those...I beg your pardon, Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill was debated in...in Education Committee and a number of questions were brought up. But I think, Senator Savickas, I...I am concerned about what seems to me to be the possibility of...of people getting a...an advantage on...on...on...on other individuals for...for jobs and it almost breaks down the competition. I guess I'm a bit concerned about...you mentioned about summer school enrollment in other universities and...and things like this. I'm wondering...is that really...is that really a...a possibility? Would that...could we extend it so...so far that it could interfere with summer school? There's always a delay, always a time lag here. There's a time lag before summer school starts at the universities, and I'm wondering why that really is necessary.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, it's...necessary because I've had constituents that were concerned, especially with the financial

conditions of all of our school districts, not only in Chicago but throughout the State of Illinois, that if there are concerns and teacher's strikes and...graduation is delayed that the ones that suffer are the students themselves who do not have in any way participate in these problems. It's a permissive...if you read the legislation it says, "The school board may adopt the policies which permits high school seniors who otherwise meet graduation credits and so on to graduate." It's a permissive piece, it's hopefully to allay the fears of some of our students and parents that they may not graduate if there is a financial problem and the strike is...by the teachers occurs. It's a simple piece of legislation. I think it solved their fears, and to have continuity we should pass it.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Well,...and, yes, I...I would be very willing to...to help you with the...with the area of concern but, you know, there are questions like would there, in fact, be more than one graduation? Would...would you have to provide separate graduation ceremonies?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, I...I can't see where there would be two or more graduations, it would be once the student is graduated and he meets the criteria and the principal allows them to graduate, he's gone. I mean, that's...whatever the ceremony is, he would receive a certificate and that would be it. Or if they want to...finally when it's set up to have a...a show graduation for everybody they can attend and join. There's no separate graduation, after all the graduation show that they put on is for all the family and everybody to be there to

participate in this great day for the child. But just to allow him to have the certificate and to be able to use that to...to get into other schools or to get his job thing, there's no need for a ceremony.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

In...in...in the worst of all cases, is it possible that nineteen thousand City of Chicago District 259 seniors could be involved?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, my staff director here, Senator Kelly, has told me that in the worst possible case, if this happened in Chicago with the nineteen thousand students, you'd have it all on one day and it would be all one graduation and it would solve that problem. But, Senator Demuzic...but I...I can't see at the worst possible that this would...we're talking about those students that have legitimate claims, fair claims to employment or to other educational institutions. Let me read part of the bill, they would..."Graduation...requirements to graduate within thirty days prior to the extended graduation date if a student documents that the extended graduation date will cause undue hardship for the student in relation to employment or admission to a university, college, academy or other institution and provided that the principal of the school in which the student is currently enrolled verifies that the student has successfully completed his or her courses of instruction due to...individualized or specially planned studies or...that student has demonstrated proficiency in such courses." So the student would have to show...these nineteen thousand students would have to show that they have employment ready

available, that they are entering higher schools of learning and they are being accepted waiting for this certificate. They'd have to demonstrate that; so, obviously, the question...the answer is, no, nineteen thousand students could never...apply for that one time.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Savickas, could they not now do that? Is there anything in the...in the existing law that prohibits...that prohibits the principal and/or superintendent from singling out these individuals and allowing them to graduate early to accommodate their working schedule or their...their summer school or what have you?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I don't think there is any prohibition but there is no authorization, and you and I know that these appointed or in some cases elected boards unless there is specific authorization do not wish to carry the burden of dictating new procedure and new policy. All this allows is the board...it permits the board to adopt this policy. It doesn't say they have to do it, it permits them to adopt the policy.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, it...it...just finally I...I want to accommodate those same people and...and I would submit to you, I would submit to the Body that that...that is...is now permitted, that's what seems to me local control is all about, that we...that we...we can now. There's no prohibition against that, and I would simply say this legislation isn't necessary and would...would suggest a No vote.

PRESIDENT:

Further discussion? Senator Smith.

SENATOR SMITH:

Mr. President, I stand on a point of personal privilege, if I may.

PRESIDENT:

Well, we're in the middle of a debate.

SENATOR SMITH:

A debate? I'll wait then.

PRESIDENT:

Senator Kelly, on this...on Senate Bill 1685?

SENATOR KELLY:

Yes, Mr. President, briefly, I'd just like to say that I will support this bill. It was pointed out that there might have to be two graduation ceremonies. There are many universities right now and possibly other schools that only have one graduation a year. No matter when you finish or complete your requirements, you go in in June and you get your...your diploma, your bachelor's degree or other degree. So, that would be no problem in having the students go back after...at a certain specific time with their fellow students which I'm sure they'd like to do anyway. So, this is what I consider a fair bill. I suppose as a suburbanite I would not like to have competition with my...with my young people. But I think at the same time there is a certain degree of fairness that's entitled, and I believe that fairness belongs to Senator Savickas and I'm proud to support his bill.

PRESIDENT:

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

SENATOR SAVICKAS:

Yes. One of the points that I think should be made clear that the State Board of Education requires attendance of so many days for graduation. And part of the concern of the

students and parents I talked to is that with this mandated days that the boards are reluctant unless there is a law stating the intent and the direction that they are unwilling to do this. All this does is put into State law that the boards may, may, grant this certificate when the children meet these requirements. It protects the board, it takes the State Board of Education off their back from...their mandated days of attendance and gives the children a break in case there is a problem that they are not part of. I would solicit a favorable vote.

PRESIDENT:

The question is, shall Senate Bill 1685 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, there are 38 A's...Ayes, 17 Nces, none voting Present. Senate Bill 1685 having received the required constitutional majority is declared passed. If I can have your attention, appropriately enough after considering a school related bill, we are visited today in the Chamber with a number of the members of the School Division of the Illinois Catholic Conference. That division as you know brings together parents, teachers and administrators of the Catholic school system throughout the State of Illinois. In the President's Gallery are Sister Deanne Stratman of the Diocese of Belleville, Sister Brian Costello of the Archdiocese of Chicago, Father Niles Gillin of the Diocese of Joliet, Sister Patricia Mulcahey of the Diocese of Peoria, Sister Karen O'Kelly of the Diocese of Rockford and Sister Jeremiah Sullivan of the Diocese of Springfield. Would our guests in the gallery please rise and be recognized. Welcome to Springfield. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

Thank you, Mr. President. I stand on a...a point of per-

sonal privilege.

PRESIDENT:

State your point.

SENATOR SMITH:

I'm very pleased to present to our august body the Hollison School that's in my district, and they are accompanied by their supervisor, Mr. Lofton. Will you please stand.

PRESIDENT:

Will our guests in the gallery please stand and be recognized. Welcome to Springfield. All right, the top of page 12 on the Calendar, 1691, Senator Demuzio. On the Order of Senate Bills 3rd Reading, Senate Bill 1691. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1691.

(Secretary begins reading title of bill)

PRESIDENT:

Senator Savickas.

SECRETARY:

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1691 is a bill that will allow the Department of Financial Institutions Credit Union Division to...the regulatory authority to determine the nature and content of bond coverage for State credit unions and is consistent with the proposed changes to the Federal Credit Union Act and rules and regulations for federally chartered credit unions. I...I don't know of any known opposition to this bill, and I would ask for its favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1691 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? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1691 having received the constitutional majority is declared passed. Senate Bill 1692, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1692.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1692, as amended, is the amendment to the Revenue Act which will provide effectively for a third member to be seated as the Cook...in the Cook County Board of Tax Appeals. As you know, the County of Cook by ordinance provided for a third seat and that vacancy was to be filled in the November 1984 election. The Primary was held, two candidates were selected of the respective political parties and the...by court action it was declared that the County of Cook had, in fact, exceeded its home rule authority since this office was provided for by State law. What 1692 as amended does or attempts to do is validate what the county did by ordinance and in fact create a third seat, which seat will be filled in the November 1982...84 election. It will also permit the county board to make a decision as they see fit for the use of districts, whether or not it will be countywide, citywide or a combination thereof; the manner of filling vacancies, how the board will be organized and the use of staggered terms. What it does effectively is create a

third seat for this November's election, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAHAR:

Senator, the bill as amended calls for two methods of filling vacancies, one by the county board and one by the chief judge of the court. Now how's that going to work?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, can you point out where the chief judge is involved?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar. Senator Mahar.

SENATOR MAHAR:

On line 20...25, "The chief judge of the circuit court or any judge of that circuit court designated by the chief judge shall appoint some person to fill such vacancy until the next election." Or isn't that...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

END OF FEEL

REEL #3

SENATOR ROCK:

I...I think...I think, as I indicated, it...it...the amend...as amended it would permit the county board to decide the following. It does not mandate it, and you are correct, there appears to be in this instance a...a provision for a filling of a vacancy by the chief judge of the circuit court...and a...and a...permission to the county board to decide if they wish to do it otherwise. They don't have to decide.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Well, then would that mean that if the county board decided to fill a vacancy, the chief judge could then overrule that vacancy and be the final authority? This seemed...seems awkward to me because this is the only area that I know of where vacancies are filled by more than one means. Usually there is a specific means to fill a vacancy of the governmental body and that's it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Except...and again I point out on line 11, it says, "may by county ordinance." They don't have to do anything. The current law is that it can be filled...will be filled by the chief judge, and I assume if by county ordinance they want to provide for another method of filling that vacancy, they're going to do it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I...I had...was going to ask Senator Rock a question, which I will in a minute, but I...I wanted to make a comment on Senator Mahar's point. If I am not mistaken, Senator Mahar, this may be one of the...one of the places, and I hope the only one, where we missed removing the appointing authority of judges to otherwise administrative or executive agencies. The new...the 1970 Constitution makes it quite clear that judges are not to continue to have that role, and there have been bills, several over the years, to try to pull all of those out of the Statutes. I believe...I'm just seeing this one for the first time but I believe this is one probably that is inappropriate in the light of that constitutional directive to get judges out of anything other than the Judiciary Branch, and I had simply never noticed it before. I suspect we probably ought to go back and address that, but that has...that has nothing to do even with this particular bill, that is just simply a separate issue. If I might address a...one question to Senator Rock. Would you refresh mine and perhaps some other recollection on the affect of this bill with respect to those who have already been nominated in the March primary? Is it...does it purport to, in effect, put them back into the process for that third seat if it is to go ahead as an election, or does that become moot because there will be another way of filling that office now? I'm...I'm just trying to figure out the impact on the...those who were nominated in March and would otherwise have been up for election in November.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, what...what this attempts to do, and this is in response to that circuit court ruling which overturned the...the county board ordinance. What this purports to do

is to establish a third office in that office which will be effective December 3rd, 1984. Then, it seems to me, it is incumbent...once the office is established, it is incumbent upon the respective political parties to fill the vacancy that will exist for the November election for this office; and I am assuming, and I think with some justification, that those candidates who, in fact, prevailed on behalf of their respective political parties in the March primary will be the candidate selected to engage in the November election.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

So that the bill is written in a way that they can then be certified onto the ballot and in effect compete in the November election. Is...is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hock.

SENATOR HOCK:

That is my intent. That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. It's with reluctance that I rise to support this piece of legislation for the following reason. This agency is, I think, without a doubt the most scandal-ridden agency in the history of State Government and local government. We've probably sent more people to the Federal penitentiary who have either practiced before this body or who have served on this body than any other agency. Every time we have tried to deal with the problem of adding a member to the Cook County Board of Appeals, which I think is a good idea, members on this side of the aisle tried to get a specific arrangement so one member would be elected at large, one member would be elected

from the City of Chicago and one member would be elected from the area outside the City of Chicago. My bill did just that and passed this Body almost unanimously, unfortunately not with Senator Rock's vote, but almost unanimously and was sent to the House where it languished and is still over there someplace. My point is that by adding a third member and allowing that member to come from the suburbs, we at least provide some checks and balances for an agency that has such an undistinguished record of public service. It is true that that suburban member would probably be a Republican, but again, I would argue that we need that system of checks and balances. I'm concerned that by adding a third member at large from Cook County, we're going to add one more fox to the chicken coop and that concerns me somewhat but not enough to vote against the bill, because I agree that a two-member body doesn't make a lot of sense to begin with. We ought to have a third voting member. I would hope, though, that the Democratic leadership of this Body and the House would take another look at this issue next Session when we come back and recognize that if you really want to provide checks and balances, if you want to make sure that the kind of nonsense and corruption that has been characterized by this body, the Cook County Board of Appeals, is to be stopped, it's going to be stopped only when the two-party system in this State is allowed to operate. Again, reluctantly, I will support this piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President. Very briefly in...in direct response to Senator Netsch's inquiry. The...the bill as amended does...does state that the first election of the third commissioner to the board of tax appeals shall be held

at the...November 1984 General Election, and the nominees at such elections shall be those persons nominated by the established political parties at the 1984 General Primary or their replacements in the event of a vacancy, if somebody dies between now...it does say that, and I did not in any intent mean to overlook that. This is a response to a court ruling with which I, frankly, have some disagreement. The fact of the matter is, I didn't vote for Senator Ruzra's bill because I didn't like the district setup, obviously, for obvious political reasons. I, too, agree that there ought to be a third member. I wholeheartedly concur that a two-member board, in my judgment, does not make an awful lot of sense. It was held in the House, I can say unequivocally, at the request of the county board members of both political parties who really wanted to test, if you will, their home rule authority in this area. It has been tested and has been found wanting, apparently, and that's why this bill is here. It will establish that third member and it will afford to that home rule board the opportunity to determine those future questions, like what district, if any, and what the terms are. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1692 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. On that question, the Ayes are 46, the Nays are 3, 1 voting Present. Senate Bill 1692 having received the constitutional majority is declared passed. Senator Vadalakene...ch, I'm sorry, for what purpose...does our illustrious Senator from Cook, Senator Zito, arise?

SENATOR ZITO:

Thank you, Mr. President. A...point of...personal privilege, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point, Senator Zito.

SENATOR ZITO:

Yes, I would ask my colleagues in the Senate to help join and welcome a group from my district, the Jare Adams School District No. 89. They're down in Springfield today and they're seated in the gallery.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Senate Bill 1705, Senator Vadalabene. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1705.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1705 makes a change in the funding mechanism in the Illinois Coal Technology Development Assistant Act. This is an Act that provides a source of support for a basic coal research and for...the operation of experimental coal utilization projects. If you recall, I was the sponsor of this measure which passed the General Assembly last year, and when the bill was sent to the Governor, a cap of twenty million for the fund was included. The Governor proposed that this cap be set at five million and that the monthly transfers also be reduced, and if you recall, we accepted those changes; and since going into effect, the five million cap on the fund has been interpreted to be an absolute limit on the...on the annual amount going into the fund. Our understanding was that revenues would flow into the fund whenever it was drawn below the five million and this bill clearly imposes such a mechanism. Senate Bill 1705 would make...more

money available to coal development only if the General Assembly and the Governor chose to make and approve such appropriations. The endorsements for this 1705 are the Illinois Energy Resource Commission, the United Mine Workers of America and the Illinois Coal Association, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. As the cosponsor with Senator Vadalabene on this particular bill, let me tell you that I, Senator Gene Johns, as chairman of the Energy Resource Commission, am the only representative on the Coal Research Board for the General Assembly. We need this money for the continued research of coal and the desulfurization. Illinois has probably more at stake than anybody else. I guess I'm prejudiced in saying that, and through this funding this infusion of money, and...into what I call a sensible cap of five million, we can continue to do even more than the Federal Government is doing at this time. Would you believe that Illinois is spending more on research for coal at this time than the United State's Government? And it strikes me that we've got to be the leader and if we have this money, and it comes from this fund, and it doesn't strike a...a real deficit into the...to the balance of the budget, and I urge that you give this a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Vadalabene may close. Question is, shall Senate Bill 1705 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. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1705 having received the constitutional majority

SB 1707
3rd Reading

is declared passed. Senate Bill 1707, Senator D'Arco. Read the bill, Mr... (machine cutoff).

SECRETARY:

Senate Bill 1707.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Before I address the bill, I would like to make a point of personal privilege, if I might.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco, state your point.

SENATOR D'ARCO:

...yesterday in...in heated debate I made some comments of a personal nature concerning one of our colleagues, Senator Grotherg, and they were made in the heat of debate and, unfortunately, they were derogatory comments of a personal nature; and it is not my disposition to make such comments ordinarily, and I now would apologize publicly before this Body to Senator Grotherg for making those comments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotherg.

SENATOR GROTHEERG:

Well, thank you, Mr. President and thank you, Senator...D'Arco, for...it's the measure of a man who can stand up before this Body and recant our transgressions. Rule 26 binds us rather carefully to each other, and I would pray, as you prayed for me to go to Washington, that I will pray for forgiveness for you and that you may have your opportunity to stay where the hell ever you want to stay, John. I felt almost as badly at the moment...that the President, in the heat of the battle, probably did the right thing and gaveled us down or we'd have been here all night, but we were denied

access to the...to recounting the vote on your bill and verifying it and several other little things; but rather than start out today in a...with more animosity, I do accept and thank you, John.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco, that was a good move since your bill is next.

SENATOR D'ARCO:

Oh, yes, my bill is next...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 1707, Senator D'Arco.

SENATOR D'ARCO:

Mr. President, Senate Bill 1707 concerns itself with the distribution of income of trust funds; and the other day, a statement of sponsors regarding Senate Bill 1707 was distributed to the Body, and I would ask leave of the Body to incorporate that statement within the record on this bill, if that is permissible?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there leave of the Body? Senator D'Arco wishes to incorporate the statement that he distributed to each and every Senator into the body of the bill...into the record...into the record. Leave is granted. Senator D'Arco.

SENATOR D'ARCO:

Ladies and Gentlemen, I would like to read some language that is necessary to make the record on this bill, if I might. "Senate Bill 1707 makes substantive change in Illinois statutory law concerning the investment of trust funds awaiting investment or distribution. A common-law bank acting as trustee had no authority to invest trust income which was distributable to a beneficiary, and was prohibited from profiting by depositing trust funds in its own bank. Many feel that the settlor by selecting the bank as trustee impliedly consented to a self-deposit of trust...trust cash

in a checking account the of trustees bank. In Illinois, statutory authorization for such self-dealing was granted in 1934, by amendment, to Section 3 of the Trust Company's Act with respect to trust cash awaiting investment or distribution. The bank was authorized to carry such funds in a separate checking account and to commingle and use those funds in the conduct of its business and retain all profits resulting therefrom, provided it first fully...collateralized the funds. Senate Bill 1707 changes the law in Illinois to now require that cash awaiting investment or distribution and not otherwise subject to direction regarding investment or noninvestment be prudently invested to the extent reasonable under existing conditions for the beneficiaries at a rate of return commensurate with that available on trust quality investments, and if so invested temporarily in its own C.D.'s, such funds must be one hundred percent collateralized. The bill also repealed Section 4 which has been in the Trust Company's Act since 1879 and is outdated. That section predated the enactment in 1945 of...of the prudent man rule and provided that interest should be paid on trust funds as agreed by the parties or by court order." The substance of the bill is to provide that cash awaiting distribution of trust funds held by a bank, the interest generated from that cash must be paid back to the beneficiary who, in fact, is the rightful owner of that interest money, and it cannot be put into the bank deposits for the bank's profit. I would ask a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Gec-Karis.

SENATOR GEC-KARIS: .

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEC-KARIS:

There was an Amendment 1 to your bill which provided that principle and income awaiting investment may be temporarily invested in the deposit accounts of the trust company provided that such investments are first fully collateralized. Is that amendment still in your bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Yes, the...the question there was whether the collateralization would be of a...of the...a hundred percent value of whatever it is that would be the collateralization utilized or the face value of such collateralization, and it was...the bank commissioner said, you've got to use the total value of the collateralization, so we...we did that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEG-KARIS:

You mean by the total value of...of collateralization, let's say if it's a hundred thousand dollars that they've got to invest that they have to collateralize that with a hundred thousand dollars, is that what you're saying?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Yes, that's one example. Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Elcom. Senator Elcom, do you wish to...

SENATOR ELOOM:

Just to add my support. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1707 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. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1707 having received the constitutional majority is declared passed. Senate Bill 1708, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill...excuse me, Senate Bill 1708.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill relates to the additional duties that we have placed upon the circuit clerks around the State of Illinois as it relates to three specific pieces of legislation. We have passed in the last two years a change in the Unified Code of Corrections which requires the circuit clerk to add a fine equal to the street value of cannabis or controlled substances, and then he must make a transmittal of that fee to the Illinois Law Enforcement Agency which filed the charge, and if more than one agency was involved, they divided equally according to the amount of work that they place on that and that goes to a State Treasury fund called the Drug Traffic Prevention Fund. Additionally, we have put upon the circuit clerks the requirement of a transmittal of fees under the Violent Crimes Victims' Assistance Act. As you know, we've tried to fund that Act through general revenue and other Acts, and when people perpetrate violent crimes and they are, in fact, convicted of those crimes, the circuit clerk adds on an additional fee and fine which is then transmitted to the Violent Crimes Victims' Compensation Act. We passed a third Act relating to the Illinois Vehicle Code when we had the problem with drivers education, and now the clerk

must add on five dollars for every forty dollars of a fine or any part thereof, compute the four-fifths of that amount and remit it to the State Treasury where it goes into the Driver's Education Fund for compensation to school districts throughout the State of Illinois. As...they showed me a chart in one of the circuit clerk's office, there is more than sixteen possible fines and variation of computation of fines. This is a flat fee to the clerk's office to help them in the administration of the Act, very much as we did when the...had the Unified Election Code...we gave an additional thirty-five hundred dollars to the county clerks. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Would the sponsor yield for a question? Yes, Senator Bruce, is this a one-time offering? There's going to be...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Educe.

SENATOR EBUCE:

No, this would...this would continue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Well, I voted against the bill in committee and for a number of reasons, and one was that it seems to me this is a awkward way of awarding people by making the appropriate awards from the State to the Office of the Illinois Court System and then they have to send the money on to the circuit court of clerks. Another reason is that here a year or two ago we did this for the local clerks because of the consolidation of elections was a heavy load on them, so we give them an award. Now, here we're going to give another award to the

circuit court clerks and we're doing it across the...hundred and two counties in the State of Illinois, which means that Morgan Findley will get thirty-five hundred dollars, and I think his salary is high enough and he has a large enough staff to whereby he ought to be able to absorb additional duties that might be placed on him by the General Assembly or others. It just seems to me that while I have no great feeling about what circuit court clerks should get and whether they are being overpaid or underpaid that this is really not the right way to go about rewarding them for any extra work that they might do, and for reason, I think we ought to take a good look at it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill...Senator Bruce.

SENATOR BRUCE:

I...I just wanted to say, Senator Mahar, I think it is cumbersome. That was the way the clerks and...they...as know, they're neither fish nor fowl. They're not county officials anymore, they're officers of the court. The court has a great deal of sensitivity about that and so I agreed with them that the money ought to go to the administrator of the court system, and I...I agree with you, it's a little cumbersome. The other thing of it is, we have had debate here on the State Mandate's Act. These people are now collecting fees in excess of more than ten million dollars for the State of Illinois, it goes to the State Treasury, distributed to the State agencies and law enforcement, to victim's compensation, a program that we started. It seems to me that we ought to get about the...the thing we said we are interested in the Mandate's Act that says, if they're doing a service for us, let's...let's pay them for it. There...they're now paying...even the lowly guy that collects our sales tax picks up one percent, we give them something, the lowly clerk, if

we...if we say to the circuit clerks, collect all...all of these, and it is a complicated system, we ought to send them thirty-five hundred a year. It's...it's a hundred or so...couple a hundred bucks a month, and you can't buy...buy or hire very many personnel for that. I...I think it's reasonable. I talked them down to this figure. They do collect a lot of money for us. We ought to ship them back something.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1708 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. On that question, the Ayes are 50, the Nays are 6, 1 voting Present. Senate Bill 1708 having received the constitutional majority is declared passed. Senate Bill 1714, Senator Degnan. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1714.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 1714 addresses some problems we have had in Cook County with individuals and companies who are under contract to provide school busing and also employing incompetent, and in some places, unlicensed school bus drivers. The bill does exactly as stated in the Digest, provides and establishes penalties for violations. Absent any questions, I'd move its adoption...its approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1714 pass. Those in favor vote Aye. Those

SB 1727
3rd Reading

opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1714 having received the constitutional majority is declared passed. Senate Bill 1727, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1727.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1727 amends the State Occupational Use Tax to exempt from such tax legal tender, currency, medallions, gold or silver coinage and bullion, and the exemption applies to tender, currency or coinage issued by the State, the U.S. or a foreign government. There is estimated to be over two billion dollars leaving the State of Illinois to purchase physical legal tender and bullion from outside firms to avoid paying Illinois Sales Tax. Illinois currently has approximately two hundred dealers buying and selling precious metal and legal tender; whereas, California and Florida alone employ an estimated twenty-five thousand dealers in precious metals and bullion. The Illinois Department of Revenue has testified that there is less than ninety thousand dollars or a negligible amount of sales tax being collected annually. They testified last year at a hearing on this legislation. If five thousand new jobs could be created in Illinois in the precious metal field with an average annual salary of fifteen thousand dollars each, seventy-five million dollars would be paid out in wages alone. If a com-

bined tax rate of eight and a half percent, that's two and a half percent State Income Tax and six percent State Sales Tax where applied, six million three hundred and seventy-five thousand dollars in new revenue would be added to the State coffers. All that for a mere ninety thousand dollars forfeit in State Sales Tax. By imposing State Sales Tax on the sale of legal tender and bullion, Illinois is forcing its residents to contract with out-of-state firms to purchase legal tender and bullion; and having done this recently, many of our Illinois residents have been subject to scams in other states; such as, California and Florida. In the last year the State of Illinois lost in excess of three hundred and fifteen thousand dollars in income tax revenue alone, as a result in losses of Illinois residents doing business with two fraudulent firms, one in California and one in Florida. The average investment by these people was only fourteen thousand dollars, so...we're not talking about big spenders or get-rich-people, we're talking about average investment of fourteen hundred dollars, not thousand, fourteen hundred dollars. These people went out of state for a simple reason; why should they pay ten dollars and eighty cents per ounce for silver in Chicago when they can buy the same silver in, let's say, Delaware for ten dollars? Why should they pay four hundred and thirty-two dollars an ounce for gold in Chicago when they can buy the same gold in Utah for four hundred dollars? The average investment for the...for the people previously mentioned, again, was only fourteen hundred dollars, so this is not the super rich that go out of State but the middle income individual. The State of Illinois is collecting one percent of the revenue but losing ninety-nine percent of the jobs. It's cost the State of Illinois three hundred and fifteen thousand dollars in income tax to collect ninety thousand dollars in sales tax. The following states have exempted sales tax on one or more of the following legal

tender, currency, gold and bullion; Alabama, Arizona, Arkansas, California, Delaware, Florida, Hawaii, Idaho, Iowa, Louisiana, Montana, New Hampshire, North Dakota, Oregon, Rhode Island, Texas, Utah, Connecticut and Maryland. In short, we will have thousands and thousands of new jobs created if this legislation is...is passed. Today, anybody can go into a broker and buy gold and silver, not pay sales tax, and the State loses that money, but our people who are in business today selling gold and silver are...are being hurt terribly and moving out of state, no new jobs are created because they are the only ones being charged sales tax. The Board of Trade pays no sales tax on these commodity transactions. I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the House...Ladies and Gentlemen of the Senate. Will the sponsor yield to some questions?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR LECHOWICZ:

What's the fiscal impact to local government on this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marcovitz.

SENATOR MARCOVITZ:

The fiscal impact to local government on this bill is extremely negligible because we're talking about ninety thousand dollars in sales tax revenue, and in...in terms of local sharing, it's only a small percentage of that, but in terms of revenue that will be created as a result of income tax and new jobs...as...new jobs drawing more people and...and more income tax, I think local government will...will actually

gain as a result of this legislation as opposed to losing any dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Well, there's a...a matter of interpretation as far as the revenue lost. The figures that I seen were three hundred and eighty-five thousand dollars to the State. I don't know where...Senator Marcovitz came up with ninety or ninety-five thousand. Does the Department of Revenue support this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marcovitz.

SENATOR MAROVITZ:

The...the Department of Revenue is not in support of the legislation. They testified that the...they testified when the bill was up last year that there was a ninety thousand dollars or a negligible amount being collected on sales tax of these type from transactions, only ninety thousand dollars. That was their testimony alone. And...and I might add...and I might add that the figure of three hundred and fifteen thousand dollars has to do with the bill that we passed last year, Senate Bill 1599...I'm sorry, it was passed in 1982, that was a new law that we passed that said that no local...there could be no local tax on a commodity. The fiscal impact of that bill, having nothing to do with this bill, that bill was three hundred and fifteen thousand dollars so that local governments could not put a tax on a commodity. That was Senate Bill 1599 passed in 1982.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, I'd like to put into the record, according to our staff analysis, the fiscal impact

on...Senate Bill 1727 would reduce State Sales Tax receipts by an undetermined amount in Fiscal 1985. The staff couldn't make an analysis on this bill. Based on audited information, the Department of Revenue estimates that receipts would be...receipts would be reduced by one to two million dollars on a fiscal year basis; however, no data are available to confirm this estimate. By removing such sales tax from the tax base, Senate Bill 1727 would also reduce local government sales tax collections. Now, I don't mind helping industry come into this State, but when you're talking about a special provision that is contained in Senate Bill 1727 for a certain segment and in turn say that you're going to reduce the amount of sales tax by two million dollars with no replacement factor, or in turn that you're mandating to local governments that you're going to have a loss in local revenue coming back from the State with no replacement factor, at this time, in this critical period, I think that's wrong. I don't see any emergency nature of this bill, maybe some other people do, but I strongly encourage a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Lemke.

SENATOR LEMKE:

The question is, I think, the Rules Committee has slipped on this matter. I don't see anything emergency about taking a loss of revenue from local governments. I don't know how this...bill got out of Rules Committee. What's the emergency about a bill taking the tax off of gold coins? Can't...can't it wait until next year so we can look this thing over and see what we get a fiscal impact on local governments and on the State? I mean, I don't think this is important to call this year. Why don't we hold it until next year? It's been around here for six years. All of a sudden we got to get it out of Rules and pass it out and we...I have a lot of important bills in my district that were tied up in Rules...more

important than this, and I'll go along with the system, but when I see a stupid bill like this get out of Rules as an emergency matter, something is wrong. Where it's going to cost our local government some money and cost the State some money, I think it's completely stupid.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, I hate to disagree with the distinguished previous speaker, but this bill is a...a very important bill to an awful lot of people who are being treated unequally. If people go to the Board of Trade today to buy gold, silver, if people go to a broker to buy gold and silver, they do not get charged sales tax, but if you go to a...a dealer, a businessman... a small businessman today, they get charged sales tax. In fact, testimony was that if this bill passes, there will more money in the State coffers via income tax, more money for local governments...via the piggyback, more jobs created in the State of Illinois. We're only talking about a ninety thousand dollar impact, that's the...the Department of Revenue's own testimony and there's no reason that the...the people in this State...businessmen in this State who sell rare coins, the coin dealers, should be paying sales tax when people go...can go to brokers like A.G. Edwards in the bank building right here in Springfield, and people can go to the Board of Trade and pay no...no sales tax whatsoever. I would solicit your Aye vote. I think this is...this is an important bill and corrects a...a terrible inequity in our system.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1727 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, the Ayes are 49, the Nays are 3, 1 voting Present. Senate Bill 1727 having received the...constitutional majority is declared passed. Senate Bill 1728, Senator Etheredge. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1728.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is basically a cleanup bill. It...affects one park district in the State of Illinois and it happens to be a park district within my senatorial district. Most of the...the law in regard to park districts sets a standard for the presentation of matters to the public at the time of a referendum, and it's based upon a percentage of the voter turnout in the last election for park district trustees. Well, I happen to have a park district which is organized...the only park district in the State of Illinois organized under that portion of the Code which provides for an appointed park...district trustees; therefore, there is no standard set for presenting public...or questions to the public, that's what my bill does. I would be very happy to respond to any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1728 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, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 1728 having

AB 1735
3rd Reading

received the constitutional majority is declared passed.
Senate Bill 1732, Senator Philip. Senator Philip, 1732.
1734, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1734.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. This is
minor bill. What it does is allow for the Community Devel-
oped Finance Corporation to basically do intergovernmental
contractual agreements with the Illinois Development Finance
Authority and DCCA to finance projects. It's one of those
technical things. Answer questions; otherwise, seek its pas-
sage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Newhouse. Any...any
further discussion? The question is, shall Senate Bill 1734
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? Would you press Senator Demuzio's button, please.
Have all voted who wish? Take the record. On that ques-
tion, the Ayes are 53, the Nays are none, none voting
Present. Senate Bill 1734 having received the constitutional
majority is declared passed. Senate Bill 1735, Senator
Berman. Read the bill, Mr. Secretary.

SECRETARY:

...Senate Bill 1735.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1735 is a bill that applies only to the Chicago Board of Education and the Chicago School Finance Authority. It increases their bond authorization and authorizes the issuance of ninety-five million dollars of bonds for school building rehabilitation. In committee some questions were raised as to some technical language that was in the bill. We've been trying to work it out...get some answers from the Bond Counsel and attorneys for the finance authority and the school board which I wish to candidly say...have not answered the questions that I have raised. I have a commitment that this bill will be amended in the House when we get...when we have some time to address those technical questions that were raised, so the bill will be back before it leaves the General Assembly. I'd be glad to respond to any questions and ask for your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1735 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? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. Senate Bill 1735 having received the constitutional majority is declared passed. For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Thank you, Mr. President. I'd like the record to show that on Senate Bill 1727 I was registered as Aye. That should have been a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate.

SENATOR NEWHOUSE:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 1740, Senator Smith. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1740.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members...Ladies and Gentlemen of the Senate...Senate Bill...1740 exempts a child with a physical handicap from being secured in a child restraint system provided that such a handicap is documented by a physician who shall describe the nature of the handicap and the reason why the restraint is inappropriate. Currently there is a House bill that was handled by one of the legislators over in the House that the Child...Protection Act, it did not take into consideration the problem that a physically handicapped child might have been...might have. There are certain neurological...conditions that would aggravate the consideration of which should take priority over any supposed benefits that such restraints might provide. For an example, a child with multiple sclerosis, chiefly of young adults, characterized by speech disturbances, muscular incoordination and muscular weakness, these restraints would not allow him the freedom of that abnormal motion; but with the cooperation of their doctor and the support of their parents, it would reasonably be expected that the parent or custodian of the child would carry out the instructions of their doctor, thereby providing adequate care and, at the same time, adequate safeguards as this law is intended to provide. Mr. President and members of the Senate, I ask for your favorable vote.

DB1747
3rd reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1740 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that...on that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 1740 having received the constitutional majority is declared passed. Senate Bill 1746, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1746.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill does exactly what it says on the Calendar and it...this really is to correct a oversight we did last year. Last year the Legislature passed that unit and dual districts would have this authority and we left out there's twelve special charter districts in the State, most of them...the big population centers of the State. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1746 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? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1746 having received the constitutional majority is declared passed. Senate Bill...for what...Senator Hall, for what purpose do you...Senate Bill 1747, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1747.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill is exactly as on the Calendar, same as the prior bill. Is...last year in the oversight we...when we took care of the unit and dual districts we left out the...special charter. This does the same thing. The amendment that was added onto the Floor was to correct relation to Chapman and Cutler bond ruling on those twelve districts who had their things all ready to go last year before this bill passed...I mean, before a court ruling came down and were hung out in limbo and this will correct that...that limbo status for themselves. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1747 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? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1747 having received the constitutional majority is declared passed. Senate Bill 1752, Senator Welch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1752.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this bill is to

amend the Consumer Fraud and Deceptive Business Practice Act by including as a deceptive practice the offering of merchandises free without condition or obligation when, in fact, it is not without any condition or obligation. We have included an amendment to the bill which takes care of some of the objections raised to the bill. Basically the purpose of the bill is to take care of situations where trips to various states are offered as free when, in fact, you have to go and there is an obligation of viewing films or seeing lots or being taken through various facilities, and I would move for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1752 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? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 1752 having received the constitutional majority is declared passed. Senate Bill 1754, Senator Welch. Senate Bill 1755. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1755.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. After amending this bill, the bill has been toned down to basically deal with the procedures to be taken by a judge issuing a restraining order or injunction and how a hearing will be held prior to a lien being issued pursuant to potential crimes committed under the Narcotics Profit Forfeiture Act. I would ask for adoption of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1755 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? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1755 having received the constitutional majority is declared passed. Senate Bill 1756, Senator Welch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1756.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a bill that is similar to one we passed out of here last Session. The bill passed out of the Senate nearly unanimously. It ran into a rocky road in the House. It's back once again. One of the purposes...the main purpose of the bill is to cover an area that is not covered by the Business Franchise Act. What those were called a business opportunities, you don't actually have a franchise, what you have is an opportunity. One of the particular problems that has arisen is where individuals come out and sell a business opportunity such as buying into a worm farm and then they agree to come back and buy the production of the farm back from the consumer and they don't. So, I would move for the passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR FAWELL:

According to our analysis, the Department of Commerce and Community Affairs is opposed to this bill. Are we going to burden our businesses again with...with one more restraint that's going to cause problems later with this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

What we are trying to do is to make sure that our consumers in the State are taken care of. Legitimate businesses certainly need not fear this bill. What we are trying to do is make sure that these opportunities which happen to arise in the course of business are fully disclosed. The purpose being...to make sure consumers are aware of what they're getting into, that there are certain reporting requirements on the businesses. As far as Department of Commerce and Community Affairs being opposed, I don't recall them appearing in the committee in opposition, Senator, and I have...I have not had anything in writing from them as to their exact opposition, so I don't know what their complaint is.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Fawell.

SENATOR FAWELL:

Then this is not like the...the bill we passed yesterday...the roofing bill that...that will ask people to...to come up with a license or come up with...with proof, and we're not going to go through all this? I mean, if somebody wants to start a business, isn't there something called, buyer beware? You know, I sometimes think we get to the point where we are trying to protect so many people, in the...in the long-run what we do is...is hamstring them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

AB 1767
3rd Reading

Senator Welch.

SENATOR WELCH:

Well, Senator Fawell, let the buyer beware has been a often invoked phrase, but the question is whether there is equal bargaining power on both sides, and you don't have equal bargaining power where one side is being deceptive or not telling the person all of the facts involved in negotiations, and so that is one of the reasons why...we are trying to enact this bill so that individuals, so that they can beware, first are apprised of what they are getting into.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not,...if not, the question is, shall Senate Bill 1756 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. On that question, the Ayes are 39, the Nays are 13, none voting Present. Senate Bill 1756 having received the constitutional majority is declared passed. Senate Bill 1767, Senator Schaffer. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1767.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is a administration bill also supported by the Township Officials Association that provides that at least one member of the Public Aid Committee of a county under township organization shall be a person knowledgeable in the area of general assistance and the regulations of the Department of Public Aid and provides that if no such person is available on the committee,

that the department shall...designate an employee of the department to be...present at the committee...meetings to give advice. In the old days, in the old county board of supervisors days, all the county board members, or at least most of them, were also supervisors on handling general assistance. Since we no longer elect county board members with that criteria, we are starting to find these public aid committees at the county level comprised of people that have no knowledge at all of public aid policy and, consequently, the township officials and the department feel that we need to have some expertise available to that committee to interpret the rather voluminous regulations and laws now involving general assistance and public aid in general. I know of no opposition to the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1767 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? Take the record. On that question, the Ayes are 52, the Nays are 1. Senate Bill 1767 having received the constitutional majority is declared passed. Senate Bill 1781, Senator Collins. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1781.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1781 is the Job Training Coordinating Council. The bill simply gives statutory authority to the Governor's Executive Order No. 6. The bill passed this body last year,

both Houses, and was amendatorily vetoed by the Governor, passed the Senate and then somehow got caught up in...in the log jam in the House last year and it died on the Calendar. There...there's no...I don't think any objection at all to the bill, DCCA, the...the council itself. We...we have put in the Governor's amendatorily veto language, and I think everyone is happy and I would ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I've been working with Senator Collins on this bill. It came out of Senate Labor and Commerce unanimously. It's not that it's totally without controversy, but we have okayed it in the past. It does basically recreate an existing system, but I think if you look it over, we'll probably recreate the system in a little better form, and I would solicit the support of my Republican colleagues.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Fecker.

SENATOR FECKER:

Thank you, Mr. President. I rise in support of this bill for one reason and one reason only. In the Sunbelt States today, an industry that decides to move from the State of Illinois into one of the Sunbelt States contacts this council in that state. They immediately start retraining people before the industry leaves Illinois, moves to that Sunbelt State, they open the doors, they have the trained help. It's about time the State of Illinois does wake up. Let's see this bill fly, get it over to the House and let it fly and let the Governor get a program such as this started in our State, because God knows we need it; and after listening to the President of the Senate say yesterday, there's a possibility of picking up a hundred to four hundred million

dollars in lost taxes, this is one way to put it to good use.
I rise in support of this bill.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR EBUCE)

Indicates she will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Collins, I...I agree with the statements made
by...by Senator Becker, but it's...as I recall, you and I
serve on a...on a particular council called the Statewide Co-
ordinating Council, and I...I'm wondering how this differs
from the council that you and I both serve on.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Collins.

SENATOR COLLINS:

I...I'm sure, as you know, the...the...the council that
we serve on has no statutory authority. It doesn't have any
teeth at all. Through this particular proposal, there's
legislative oversight, the...the reporting dates have changed
in this bill so that the Legislature can have an opportunity
to review the programs that comes in from the local FIC, and
the budgets are all subject to the appropriation process
through the Legislature. I...I think it's going to give more
strength to the existing council. Many people on the coun-
cil feel that it's just a rubber stamp.

PRESIDING OFFICER: (SENATOR EBUCE)

All right, further discussion? Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow members. I think I
am going nuts or deja vu or what in heavens name is going
on? Half of our time has been spent around here, and the
next two weeks will be spent, chopping every commission we

can find or trying to salvage a few worthwhile existing commissions, and I see a forty-five member hocndoggole looking at us from the Governor's shop of...of new...ard as you just suggested, you've already got one. Couldn't you just legalize the one you've got? That would be a start, but this is something new, Senators, and it worries me. It may be an administration bill and it may have all the gentle effects and all of the deals may be made, but to me, not today, given the things we've been talking about around here. I'd like to see it taken out of the record before I...if it's that good,...really not trying to make anymore enemies today than I made yesterday, but explain to us why we shouldn't all think we've gone nuts.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Collins.

SENATOR COLLINS:

Yes, Senator, I'm like Senator D'Arco, I think you should go on to Congress. This...and read a little letter when you get up there. This is a manned Federal mandate and it is, in fact, codifying the existing council. The council already exists. All we're doing is really giving it more teeth. We have to do this otherwise we will forfeit the job training and partnership Federal monies that come to the State.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, I apologize, Mr. President, for rising the second time. Much of what...what Senator Grothberg says is very true. What...what this is, quite frankly, it's a...it's a turf problem between the...the Governor's Office and...and the General Assembly. The...the Statewide Coordinating Council is working. It's been working now for over a year. I happen to serve on that council. The...the Federal Act...the Federal Act clearly says that...the Statewide Coordinating Council

will be picked by the Governor, but this, as Senator Collins says, may give it more...more strength and it will on go...be ongoing just like it is now, and I would suggest that we pass the bill out of here and...and be about our task.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Fuzbee.

SENATOR BUZBEE:

Well, as...Senator Maitland, I'm...I'm a little surprised at how quickly you capitulate, because as...as I understand it, under the Federal legislation, the Governor is the one that's suppose to appoint this board, and I have always been one that has stood up in favor of legislative equity with that of the Executive, but I think this is a situation where a...the Chief Executive Officer of this State, the Governor, should be the one to appoint this council, and I think that he ought to appoint it the way that he wants to appoint it under the aegis of the Federal Law, and I see no reason whatsoever to pass this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Collins may close.

SENATOR COLLINS:

Well, let...let me respond to Senator Fuzbee. Senator Buzbee, this legislation does not take the authority away from the Governor to appoint the members of the council. They will still be appointed by the Governor, and by the way, I'm sure that the Governor's Office has signed off on this bill. The existing council has signed off on this bill, and I understand ECCA has signed off on this bill. He will select the members and they will come before the Senate for confirmation. That process will not change. I would ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1781 pass. Those in favor

vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes 46, the Nays are 7, 1 voting Present. Senate Bill 1781 having received the required constitutional majority is declared passed. Senate Bill 1787, Senator Philip. 1790, Senator Larrow. 1791, Senator Luft. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1791.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Could I start, please, by asking leave to ask...add Senator Kustra as a hyphenated sponsor?

PRESIDING OFFICER: (SENATOR EBUCE)

Is there leave? Leave is granted.

SENATOR LUFT:

Thank you, Mr. President. Currently, the Illinois Income Tax Act treats each taxpayer of a unitary business group as a separate entity for the purposes of assessing and collecting tax liabilities, crediting payments and refund overpayments. This approach apparently creates an administrative burden on the Department of Revenue personnel and inconveniences taxpayers filing returns on a combined apportionment basis. What we're trying to do with Senate Bill 1791, we would allow members of a unitary business group to elect to be treated as a single taxable entity for the purposes of returns, extensions, refunds, assessments, collections and payments. It also permits members of a unitary business group to apply overpayments to the liabilities of each member of the same unitary business group for the same taxable year. The sup-

porters of the bill believe this eliminates many of the administrative problems with the unitary tax law. I would attempt to answer any questions. If there are none, I would move for the passage of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator LeAngelis.

SENATOR LeANGELIS:

Thank you, Mr. President. I rise in support as the hyphenated sponsor of this. It does make it a lot easier to, in fact, do your income tax return. It has absolutely no impact on unitary. It's just a matter of...the manner in which the return is prepared. I urge its support.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Gec-Karis.

SENATOR GEC-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Gec-Karis.

SENATOR GEC-KARIS:

About two years ago we did pass a bill covering the unitary tax. Now, does your bill change any of the basic structures of that bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft.

SENATOR LUFT:

No.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEC-KARIS:

Then am I to understand that the only thing that your bill does is give an election to the unitary business group to file combined return in order to pay the taxes payable by all members of the group?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft.

SENATOR LUFT:

That's my understanding.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Then would you please explain to me...well, one question and maybe you can answer it, I'm not sure I can understand this. Are you saying then that basically the way we passed the bill two or three years ago, it still stands...what is this, just a convenience of...of return or does it transplant where the taxes are to be attributed?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft.

SENATOR LUFT:

What it does is allow a unitary business to file a return as a single entity. It changes nothing else other than that.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Luft may close.

SENATOR LUFT:

Favorable roll call, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1791 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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. Senate Bill 1791 having received the required constitutional majority is declared passed. Senate Bill 1793, Senator Blcom. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1793.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, thank you, very much, Mr. President and fellow Senators. This bill does exactly what the synopsis says it does, comes out of our work with the Sentencing Commission and provides an opportunity for the victims to have their say at both the sentencing and parole level. Essentially, too much in this Body and other bodies we focus on the rights of the defendant and sometimes forget about the victim, and so Senator Sangmeister and I would urge the passage of this. Answer any questions; otherwise, seek a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall Senate Bill 1793 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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. Senate Bill 1793 having received the required constitutional majority is declared passed. Senate Bill 1794, Senator Bloom. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1794.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you, very much, Mr. President and fellow Senators. This bill comes from the State police, and basically it addresses a problem you...you see more often in the rural parts of the States than in the urban parts of the State. Essentially, the bill as amended enhances the penalty for

fleeing and eluding. The elements of the offense are that there is property damage in excess of three hundred dollars, that there is a personal injury or death involved. What...what we have is that some of our police officers are at risk when people flee and elude and there have been some fairly serious accidents, and so the State police feel that this would serve as a...a safeguard against that. Answer any questions; otherwise, seek a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall Senate Bill 1794 pass. Those in...Senator Netsch, did you seek recognition?

SENATOR NETSCH:

Yes, I did. Not really having to do with the substance of the bill, but I think some of us are a little bit confused about the policy. We thought we recalled that there had been a determination made that...increases and penalties and the addition of new penalties and all, that bills of that sort were not to be coming to the Floor of the Senate until the problem of prison overcrowding was either resolved or there was a general look at the whole structure of sentences, and I guess we just simply don't know why this bill and not others that we believe were held up in committee or subcommittee. Can Senator Eloom answer that question?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eloom.

SENATOR ELOOM:

Partially. The...last year we did say no...no more enhancements for that year and indeed did not...enhance penalties outside of perhaps House Bill 606, but that's another story. However, this year, I think Senator Jeremiah Joyce had a bill and there are a couple of other bills that address very pressing problems. As a matter of fact, I had this identical bill last year and held it in committee for that

reason; however, the Sentencing Commission and the Department of Corrections are...have made some progress so it's not...the situation is not at quite the crisis proportion that perhaps it was a year ago. Maybe Senator Sangmeister could add to those comments.

PRESIDING OFFICER: (SENATOR EBUCE)

Is there further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, a little bit of further clarification. Every bill that came out of the Rules Committee that...that a member of this Body went in and asked for a consideration from the Rules Committee and that the Rules Committee felt ought to be considered was considered on its merit this time. Now both of you are members of...of my committee and sat there when these bills were presented. We did not have a rule in this last Session that every single penalty enhancement bill was going to go to a subcommittee.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Egan.

SENATOR EGAN:

Well, yes, Mr. President and members of the Senate, I...I thoroughly appreciate the attitude of both my colleagues, Senator Bloom and Senator Sangmeister, but the fact is that we have not been totally consistent. I know Senator Collins and...there was another bill from Senator, I...I think, Geokaris and also Senator Fawell, I believe, had bills that, at my insistence, went to a subcommittee because they needed an awful lot of work to make a determination on how they affected the whole system. Now, I don't think yours has any earthshaking problem like I did with theirs, but the fact is, just in defense of those purists here that think that everything should be one hundred percent in one direction or the other, we have not been totally uniform, and I confess, as a matter of...as a member of the committee, that that isn't

necessarily bad. I just suggest that...that it should be explained, and I'm...I'm...for your bill. I'm going to vote Aye, and I...I just wanted that explained.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Sangmeister.

END OF REEL

REEL #4

SENATOR SANGMEISTER:

Machine cutoff...the second time for which I apologize. This is the only bill that I can think of that that possibly happened. On the other bills, Senator Egan, you're referring to were referred to subcommittee for other...for other reasons than the fact that the enhanced penalties. You're right, they needed study in a lot of other different areas, but this is the only one that I know of with enhancement of penalties that went through. The State police were concerned about it. It came out of the Rules Committee and, you know, you sit on that committee, I don't know whether you were there that day or not that went it through, but obviously there was no objection at that time, so if there is any inconsistency, I certainly want to apologize for it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Alright, may we have some order. Senator Bloom, you may close.

SENATOR BLOOM:

Well, thank you, very much. Briefly, the concerns I appreciate...

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Bloom, if you'll wait just a second. SCIA is seeking permission to videotape the proceedings, and without leave...with leave...is there leave? Leave is granted. Now, if you'll start again, Senator Bloom.

SENATOR BLOOM:

Alright. Well, thank you. I'd...I'd just briefly closing, we...Senator Joyce had a bill that came through our committee that...enhanced penalties for driving school buses under the influence and that...to address specific target areas. This, we voluntarily held last year and I believe that it's good policy. I believe outside of the questions raised, not focusing on the bill itself, that it merits your support, and I

would seek a favorable roll call. Thank you, very much.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1794 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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. Senate Bill 1794 having received the required constitutional majority is declared passed. Senate Bill 1797, Senator Newhouse. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1797.

(Secretary reads title of bill)

3rd reading of the Bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, Senators, this bill authorizes the Department of Public Aid to contract with community based organizations to provide demonstration health care programs for low income communities for three years. It's a voluntary program. It's supported by the Department of Public Aid. I know of no objection. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1797 pass. Those in favor vote Aye. Those opposed vote Nay. Senator Marovitz, did you have a question? Senator Marovitz.

SENATOR MAROVITZ:

I was just going to rise in support of the legislation. It's good legislation, but I think everybody will know it by all the green lights you'll see.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The question is, shall Senate Bill 1797 pass.

Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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. Senate Bill 1797 having received the required constitutional majority is declared passed. Senate Bill 1798, Senator Jerome Joyce. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1798.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This does exactly that, it conveys three hundred and twenty acres that is on the Manteno Hospital grounds to the City of Manteno for possible use of locating an industrial firm. They have one in mind. The problem they have is that...if the time comes when this firm could locate there, to be eligible for grants and so forth they would need...to be able to move faster than we could here if we're not in Session. That's why I'm conveying it to the City of Manteno. It has a reverter clause, that if this does not happen, it comes back in five years, it goes back to the University of Illinois. The U of I doesn't have any problem with this with the reverter clause in it, so I would ask your support.

PRESIDING OFFICER: (SENATOR EBUCE)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. Would the...sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR EBUCE)

Indicates he will yield.

SENATOR FAWELL:

Senator, I have some information that I received from the University of Illinois Governmental Relations Department that I requested, and I understand that this property is worth approximately twenty-four hundred dollars an acre, which brings the total worth of that property somewhere between eight hundred thousand and a million dollars. Is...are you aware of that?

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. We would take our conferences off the floor...Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes. I would like to ask you, Senator, are you aware what the University of Illinois paid for this property?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

I understand it was conveyed to them on a quietclaim deed from Manteno. My assumption is that somewhere along the line the State of Illinois taxpayers did end up buying it from someone somewhere along the line.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

That's correct. In about 19, I think it was, 20.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

Okay. I also have been told that right now we are generating approximately fifty thousand dollars by leasing this land to a farmer and that fifty thousand dollars is going into the General Revenue Fund. Is that true?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

I'm not aware of what that...would generate, that could be.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

It also says in your amendment that you are willing to convey the...the property back if the City of Manteno fails to use the property for industrial development purposes within five years, comma, fail to improve the property within five years, comma, or attempt to sell the property. Now,...when you talk about improving the property, what are you talking about? I mean, what would you say an improvement to a property was?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, what they're trying to do with this property is that there is a concern that the Department of Commerce and Community Affairs is working with a task force from Manteno to get a firm to move into this locality. This firm would employ some four to five hundred people the first year and after that could employ up to seven or eight thousand people. Now, I don't know if you're aware of what's happening at Manteno, but the Governor has decided and the Department of Mental Health have decided to close the facility that is there, and there are some nine hundred people who are out of a job. Now, what we are trying to do and what this task force is trying to do is promote some kind of private industry to come in there and pick up these nine hundred people who are going to be on the public...on public aid or what have you, if we don't do that. So, I think that for five years if the State of Illinois could transfer this property to the City of Manteno for them to try and promote some type of industry to

come into the State of Illinois, to provide jobs for people that are going to be cut of a job within the next year seems a very laudable cause, and it seems worth...the risk...for five years to see if this could not do that. Now, if...if you're not in favor of that, I...I'd...what do you propose to do with the nine hundred people who are being kicked out of a job?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

I have no quarrel with...with an industry coming in and picking up the nine hundred jobs. What my question is, that A, if such an industry does come in and...and build a plant on that piece of property, at that point will the City of Manteno rent? sell? convey? What are they are doing to do that land? And if it is...belongs to...the taxpayers of the State of Illinois, will you in turn then reimburse us which is what every other city has been doing since 1978? You took seven...67.7 acres last year for a dollar from the State of Illinois, you are now wanting another three hundred and twenty acres of...of good farm land for another dollar for the city. You know, I agree with what you're trying to do, but I...first of all, I object to the language where you say improved and you don't...you could put a swing set up there or name it as a park and...and might consider that as an improvement. I don't think the State of Illinois is in the business of allowing a city to walk off with a million dollars worth of property unless there is good use for it, and it seems to me that what you should do is bring it back to 2nd, put it just...cut out all the rest of it and just say industrial land, number one; and number two, if some industry comes in and buys that land, then the money ought to go to the State of Illinois. It shouldn't be given to the city.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you. The reason we are doing this is we are trying to attract this industry. Now, if we get this industry about to come to the State of Illinois and we're not in Session and we can't use this land for some type...in conjunction with some kind of a bond, if we're not in Session, then what are we are going to do? That's why we want it conveyed to the City of Manteno so they are in a position to that. They...Manteno doesn't want to go into the farming business. If this does not work, then we're...it's going to revert back to the University of Illinois. The University of Illinois has plans for this property or property...similar to it around it. There's twelve hundred acres there that the State of Illinois owns. When this mental health facility back in...in the forties had eight thousand people...eight thousand residents there, it...it was self-sufficient. They farmed that property themselves. Now, they don't do it, but the State of Illinois has held onto the property. What better use for property, that the State of Illinois has rather than in this kind of an economic climate to try and attract industry, private industry, that will pay taxes? It will put people to work, not...not public employees but private employees. I thought that's what your side of the aisle was all about, Senator.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

Not...not to belabor the point, all I'm asking is, would you be willing in the House to put an amendment on that limits it to the industrial park not just general improvement, and would you be willing to also say that if you do sell the land to a private industry that instead of the City of Manteno walking off with the money that it would be given

back to the State, since it's State property?

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Absolutely.

PRESIDING OFFICER: (SENATOR EBUCE)

Alright. Senator Darrow. Senator...Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President and fellow members. Senator Joyce, it would be great if you can do it. We've all tried and it seems like I've always gotten my fingers caught in the edge of the cookie jar every time I've tried it even in Committee. And I can think of everybody else on the floor that's tried and failed. I think your cause is so just that if you'd properly worded it and put the State of Illinois in that business instead of going through with the transfer...I realize your negotiations are going on with the city but there is no consideration. Hell, I've tried...I've tried to get away with the Geneva Girls school and John Friedland has tried to get away with the Elgin's...Mental...Mental Hospital and we just don't let each other get away with that around here up till now, last year. But what can we do to help you in a different way? I would be pleased to do it, but I see no reason why the bill couldn't be brought back and put forth the proposition in bondable language, secure language, that if and when the City of Manteno negotiates for...the yes...as to whether we're in Session or out of Session for a consideration of certainly somewhat more than a dollar along the way that something could be done, because you're going to lose my vote and I'd like to give it to you.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Eloc.

SENATOR ELOC:

I fail to see what all the controversy is generating

around this bill. We all have...those of us who have mental health centers in our districts, the State is closing them down. Empty buildings, unused land has a very distinct economic impact on the communities in our district, and what we're about is to try and if Springfield gives you lemons, then you try and make lemonade and I see nothing wrong with this. I respectfully disagree with some of the prior speakers. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I rise and speak in favor of the bill. There's no question that there is a distressed situation when there is a facility closed leaving people out of a job. Incidentally, in the amendment to this bill it says to very definitely that if the city attempts to sell the property, the property...refers...returns back to the Board of Trustees of the University of Illinois. So, I don't see that there is any harm to be done. It's going from one governmental body to another. It will...has to be used for a good purpose. I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, just briefly, Mr. President, and members of the Senate, I think it was in the 1968 or '69, I had bill...that the Department of Mental Health conveyed seven hundred acres of land to the City of Alton for free. Now, this is sixteen years ago, and it's one of the most beautiful parks downstate Illinois, and I think these kind of bills can be put to proper use and I think this is the time to do it for Senator Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eock.

SENATOR EOCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 1798 and would like to point out to the members, this discussion took place frankly in the Executive Committee. That all we are doing, is authorizing the Board of Trustees of the University of Illinois to make this conveyance when and if they are satisfied, that in fact this company is ready to land here. We're not giving anything away. And when the U of I Board is satisfied, then they can convey; and if for some reason, like financing, the industrial development doesn't take place, the property reverts back. I see nothing at all wrong with this and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BEUCE)

Further discussion? Senator Joyce may close.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I...what we are asking for is...is some relief here to a problem that was created when the mental health facility in our...my district is closing. It is...it is trying to shift the emphasis back on private enterprise and we...believe me, we are not trying to raid the treasury or steal the State's land, that's not we're about. As I said before, we're...the City of Manteno is not about to go into the farming business. If this industrial thing does not come through, it goes back to the University of Illinois, and a few years down the road, they have plans for it. In the meantime, we have other property there that they will gladly let them build the facility they wanted to on that. So, I...I see no real problem with this. No one is trying to...to make off with the State property, and I would ask for your support.

PRESIDING OFFICER: (SENATOR BEUCE)

The question is, shall Senate Bill 1798 pass. Those in

favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are...52, the Nays are 3, none voting Present. Senate Bill 1798 having received the required constitutional majority is declared passed. Senate Bill 1801, Senator Rock. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1801.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BUOCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1801 is an amendment to the Public Utilities Chapter of the Illinois Revised Statutes, and it concerns itself with the transmission of gas. It has come to our attention that we have landfills from which we can produce or the landfill operator can produce methane. And the problem with producing the methane is that how do you distribute it? What this bill will do is would allow producers of landfill gas to interconnect with existing pipelines to distribute this gas. The point of it is that landfills are with us whether we like it or not. There are two existing where they feel they have the technology now to produce gas, particularly at Blue Island and at Calumet City; and when the gas is then transported it can be sold to the ultimate consumer at much less cost than is currently forced upon the consumers, and with the skyrocketing cost of natural gas, little has been accomplished, frankly, to provide any relief for the consumer. It has been estimated that Illinois through its landfill with the proper technology could produce enough gas to heat forty-five thousand homes per year from landfill

recovery methods. It is a renewable resource that concerns itself with the proper ultimate use of municipal refuse. I know of no objection. It is under the care and custody of the Illinois Commerce Commission in terms of how it can be distributed, when it can be distributed and it's all done pursuant to their rules and regulations. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall Senate Bill 1801 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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. Senate Bill 1801 having received the required constitutional majority is declared passed. Senate Bill 1802, Senator Schuneman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill...Senate Bill 1802.

(Secretary read title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1802 is a bill that would prohibit exit polls from being conducted within one hundred feet of a polling place. There has been some editorial comment about this bill around the State, and in some instances, newspapers in particular have indicated that we would stop people...news reporters from entering polling places and that they couldn't ask questions and all that sort of thing and...and that's simply not true. What the bill says is that no person shall question or approach for the purpose of questioning any individual within one hundred feet of any polling place for the

purpose of determining the candidates for whom or the public questions for or against which the individual intends to vote, is voting or has voted. So, reporters can still go on...go into polling places. They can ask the questions about how heavy the vote is, what the...turn...voter turnout is and that sort of thing, but they simply can't approach voters in and around the polling place to ask people how they voted. The television networks have been in...in a great competition in the last few years trying to see which one can outdo the other in predicting who is going to win our election contest. That competition was carried to the ridiculous extreme in the last presidential election when several of the networks predicted the outcome of the election before the polls were even closed in the Western States. Now the argument was made in those states that because of that prediction, many people figured there was no point in their going to vote since the outcome had already been decided; therefore, people stayed away from the polls, consequently, local elections were affected. Now, I don't know the extent to which that was true. I understand that in California in particular some of the Democrats said that they lost because of that...of that issue, and I can see that...this is not a...a partisan thing, it could happen the other way next time, God forbid. But, anyway, it might happen, and so I think that this is an issue that we ought to take some action on. Other states have taken action; for example, Alaska, Arkansas, Colorado, Florida, Hawaii, Kansas, Massachusetts, Washington and Wyoming have already enacted Statutes of this kind, and some of them much more restrictive than ours. Hawaii, for example, says that you can't conduct exit polling within a thousand feet of the polling place. All we're doing here is suggesting that we eliminate it within the one hundred foot radius which is the same restriction that applies to electioneering by candidates and that sort of thing. So, I...I would ask your support of

the bill. The bill passed out of the Executive Committee on a unanimous vote. A similar bill has already passed the House and I solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Discussion? Senator Welch.

SENATOR WELCH:

I...I have a question of the spncsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Schuneman, your main purpose here is not...is your main purpose to discourage any polling at all or just the reporting of poll results prior to election...election polls closing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, my main purpose is to protect the privacy of the voter in and around the polling place and stop the extent to which voters are harassed by being asked how they have voted at the polling place. Now, if they want to call them up in their home afterward, I don't have any problem with that. But, I think that...that we've tried to protect the privacy and the secrecy of the ballot and that this is simply one more attempt to protect that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, the...the example that's often used, the 1980 election and the California election results, was not really due to early reporting of...projections...what it was basically due to was President Carter conceding the election at about six o'clock Washington D.C. time, which was about three o'clock California time. Now, that may have been a bone

-headed move on his part, but I don't think it had anything to do with exit polling and reporting in influencing elections. I think that there is a big problem here with the first amendment question on two parts. Number one, you...are, first of all, interfering with the freedom of speech of voters, whether they want to talk to a person or not; and number two, you're interfering with the freedom of the press, whether they can ask questions or not. It seems to me, number one, you're getting us into a potential lawsuit here in the State. I'm certain that the press is probably going to pursue this. Have you had any cases? Have you done any research on whether there is a freedom of speech or freedom of press problem and what was the result?

PRESIDING OFFICER: (SENATOR DEMUZIO)

tSenator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, as you know, freedom of speech is a constitutional guarantee, and your opinion about the constitutionality of an issue is probably just as valid as mine until the court has decided that issue. As far as freedom of the speech is...is concerned, the only freedom that is restricted here at all is the freedom of question. Any voter who wants to come out of...dancing out of a...a polling place announcing how he voted can do that. We're not restricting that at all. What we're restricting is the right of pollsters to approach voters and ask them how they voted. That's the only restriction we're making. I think it's a reasonable one. We make other restrictions of...of a similar nature. You can not...your freedom of speech is restricted under the current election laws in that you cannot enter the polling place and tell people what a wonderful person you are and they ought to vote for you. And, so, you know, we...we have done...and I don't mean that facetiously, but we have done similar things in the past.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Welch.

SENATOR WEICH:

Well, the...the difference though is that you're talking about electioneering on the part of candidates as opposed to questions of...public questions as to whether people feel one way or another which I think is a legitimate right of the press to ask. You're combining freedom of speech and freedom of the press arguments here together, and I think that you're treading on...to very sacrosanct principles of our Constitution and I don't think that we should do this. I think the better method would be to encourage the media not to report results of their polling until after the polls are closed but to do that within the media structure with their own associations. I don't think we need to put a Statute on the books, and some other states may have done so, but I don't think that that was too wise. So, I oppose this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Hall.

SENATOR HALL:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR HALL:

There's some cities that have boards of elections. What affect would this have on them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I think...the affect would be the same all over the State, Senator. The...there's some question, frankly, whether this bill is even needed, because our current Statute says that there shall not be any electioneering or soliciting of votes or engage in any political discussion with any poll-

ing place. No person shall interrupt, hinder or oppose any voter while approaching within one hundred feet of a polling place. Now, I think that could be...could be interpreted as outlawing this activity now, but I simply seek to put that specific prohibition into our law, and...and the answer to your question I think is that it would apply equally to commissions as well as...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, I...according to what I understand is that the county clerks are opposed to this, but in places where you have boards of elections, the county clerk doesn't appoint these people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

The Illinois Association of County Clerks is in support of this bill, and in fact, they were responsible for the introduction of the companion bill in the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...Senator...Senator Hall.

SENATOR HALL:

Well, Senator, by your own admission you said the bill is not needed, so...why are we progressing with it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I...I said that I...what I wanted to do was make the prohibition specific. It's a matter of interpretation as to whether it's needed or not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, one more question is, the eternal question, is who wants it besides you?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, we'll soon find out, Mr. President, I'm...I'm not sure...who wants it besides me, but we're going to vote on it very soon now.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, when this bill first came about I had mixed emotions, but I can tell you, as a precinct committeewoman, people were asking me, why are these people asking us who we voted for and why right here in the polls? Isn't that a form of electioneering? Actually, from the present law that we do have, when you ask someone what their vote is, you are engaging in...in a particular type of political discussion. So, as long as they are...the press is not prohibited from asking any voter a hundred feet away from the polls how they voted, discuss anything they wish, what's wrong with it? I think the bill simply clarifies it and clarifies the existing law showing where they can ask the questions. If you live in rural...smaller areas like I do, I can assure you, the people are very much affected by the questions right in the polls. I mean, I've seen it done. So, I think it's worth a try and I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Alright. Further discussion? Senator Eruce. Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise in strong support of this bill and to bring up an aspect that is not yet been

touched upon. This bill came out of our committee unanimously, and I want to say that particularly in Cook County precinct places, for those of us who are candidates, we are often denied in...because of the...overcrowding and the number of candidates, we are denied to have watchers...unless we come personally, or poll watchers or challengers in the polling place because the polling places simply become too congested. I see no reason to allow exit pollsters to further confuse, at peak hours, the...the voting process and cause the confusion that such exit polling often causes. I think that it is an excellent idea. It is not without precedent, we do already have the hundred yard...or hundred foot restriction in many other instances, particularly in electioneering, and I...I feel that this is a fair bill. It is a...a nonpartisan...or a bipartisan bill to protect both parties and particularly to protect the public in their voting and the privacy of their votes, and I would ask for your support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, Senator Schuneman, I happened to witness some exit polling in...in my county where this couple was...I ask them where they were from and they were...said they were from South Carolina, and they were within thirty feet from the polling inside of a...of a restaurant and about ten feet from a telephone booth; and I stayed there about an hour and after they got so many people to...to...that they interviewed, then they call a certain base and give the results of the election up until that point. I think it was around two, two-thirty, the polls don't close till six or seven, and they already had...advance information. My question to you is would this prohibit this type of...of...of reporting?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, it would prohibit their asking the question within one hundred feet of the polling place, it would. The enforcement of that law would be up to the election judges, and it would be at their discretion as to whether or not they propose to bring charges against the violators of that law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, I rise in support of this bill. This is a good bill. You couldn't hardly get into the polling place because of these pollsters...exit pollsters, and I believe a hundred feet away would be a legitimate place and then, of course, they would have to go back to the telephone and make their calls, but I think you have a good bill here, Senator Schuneman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to support Senate Bill 1802 for two reasons. Number one, as you know, if you're a candidate or a person campaigning for a candidate, you're not allowed within a hundred feet of the polling place. Why we should make an exception to the media or T.V. or the press is beyond me. Secondly, one of the most distasteful things to me is going home and turning on the boobtube about six o'clock at night and looking at the news where they're projecting a candidate...as a winner when the polls are still open for one hour. Now, if that does any candidate either your party or my party any good, I somehow don't...don't see that at all. I don't like all these guesstimates. I don't think we ought to allow them to do it, if I had anything to say about it. It's a good bill and we ought to support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Collins.

SENATOR COLLINS:

Senator, did...did you have very many complaints from election judges as to this type of activities inside of the polling place?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

I...I know of...of some polling places in some of the suburban counties where it was a problem, Senator. I don't think that it was...to my knowledge, the exit polling was done in very...few places in my own home district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bock...further discussion? Senator Schuneman may close.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The heads of all three major television networks have already announced that they will do exit polling again in the presidential election of 1984, and I'm sure that...that they have a right to do some of those...some of those things, but it seems to me that in the minds of most reasonable people, they have to some extent exceeded the bounds of propriety by announcing the results of their polling prior to the close of elections. We have enough trouble getting people to go to the polls now, and to the extent that those people stay away because of the possible harassment by other people approaching them, asking them how they voted, why they voted that way, what their income is, these sorts of questions, I think we ought to stop it within

a hundred feet of the polling place. And I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1802 pass. Those in favor 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 39, the Nays are 13, none voting Present. Senate Bill 1802 having received the required constitutional majority is declared passed. 1811, Senator Luft. Senate Bill 1811, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1811.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1811 is designed to serve as a safety net for school districts whose property tax base is dominated by a single taxpayer. I feel the safety net is needed when a reassessment of that single property taxpayer reduces the EAV to a point of bankruptcy to the school district. To prevent this, Senate Bill 1811 provides that if any school district's, 1983 EAV is at least six percent less than its 1982 AV as a result of a reassessment in a single taxpayer's property, then the 1984-85 State aid of such districts shall be computed using its 1983 AV, and such...taxpayer's property must constitute at least twenty-five percent of a district's taxable property. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Bloom.

SENATOR BLOOM:

Yes, thank you. I am a joint sponsor of this and although my district IVC was cut out of the safety net, it is a problem, and I would remind my fellow sponsor that his party is county chairman in Peoria County and my personal friend and the only county chairman who was an early supporter of Senator Rock's efforts of this fall is very concerned about IVC, and I would hope that you would work together with us to try and solve their problem. It is a problem where you have one operation in the county that accounts for a third of the base, and we do owe it to these districts to provide a safety net; and even though IVC has somehow been moved outside this safety net, I would still support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1811 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, the Ayes are 54, the Nays are 1, 1 voting Present. Senate Bill 1811 having received the required constitutional majority is declared passed. 1812, Senator Carroll. Senator Carroll on the Floor? Middle of page 14, Senate Bill 1812. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1812.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1812 is a request from the Northeastern Illinois Planning Commission. They had always done interim short-term borrowings based on revenues they were about to

receive. It was indicated to them by counsel that there was nothing in the Act specifically allowing it and, therefore, several of the banks suggested the amendatory language change so that we statutorily do say that they have this power, and I would ask...be willing to answer questions and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1812 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, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1812 having received the required constitutional majority is declared passed. 1821, Senator Egan. 1824, Senator Newhouse. Middle of page 14. Senator Newhouse, 1824. Alright. Read...read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1824.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. This amends the Revenue Code and what it does is this, in 1978 we passed a bill which would relieve municipalities in counties of the obligation of settling taxes on land that it acquired. The bill, however, did not grandfather in those properties that have been acquired before that time. What this does is clarify that and bring it under it's provisions those properties...acquired before that time. I would ask a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Keats.

SENATOR KEATS:

I just rise to announce I have a significant conflict on this bill and just wanted to make it known before I voted. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Any further discussion? Question is, shall Senate Bill 1824 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, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1824 having received the required constitutional majority is declared passed. 1839, Senator Egan. Senate Bill 1839. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1839.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Yes, thank you, members of the...Mr. President and members of the Senate. The...the Calendar is quite correct but not totally inclusive. What the report is, it is...is being amended as a part of the commission's activity which has just last fall been imposed upon them to report on the Statewide probation system, and '85 was the incorrect year, it should have been '86. It's simply nothing more than correcting that mistake and I know of no controversy. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, those in favor of Senate Bill 1839 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted

SB 1840
3rd Reading

who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 5, 2 voting Present. Senate Bill 1839 having received the required constitutional majority is declared passed. 1840, Senator Sangmeister. On the Order of 3rd Reading, Senate Bill 1840. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1840.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Mr. President and members of the Senate, Senate Bill 1840 just adds two words. After the word "money" it says "or vendor payment." There seems to be some confusion out in the various townships that work the...the workfare program that if they give the rent, for example, rather than cash that therefore the recipient does not have to sign up for workfare. This clarifies that situation, that's all it does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1840 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, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1840 having received the required constitutional majority is declared passed. 1841, Senator Degnan. Bottom of page 14, Order of 3rd Reading, Senate Bill 1841. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1841.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 1841 amends the Unified Code of Corrections with respect to the Prisoner Review Board and does four things; provides that a majority vote of the full ten-member Prisoner Review Board is necessary to parole any prisoner convicted of murder or who is sentenced to twenty years or more under the law before Class X. Secondly, it permits the victim or family member to present testimony or material evidence at a parole hearing in addition to the state's attorney. Third, it provides the victim or family member of the victim the ability to receive at least fifteen days notice prior to the parole hearing. I think that was embodied in Senator Bloom and Sangmeister's Senate Bill 1793 that was just passed today. And fourth, it establishes a registry of decisions in which the whole vote of the Prisoner Review Board is recorded for public scrutiny. Be happy to answer any questions.

PRESIDING OFFICER (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1841 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, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1841 having received the required constitutional majority is declared passed. 1844, Senator Jones. Mr. Secretary, bottom of page 14, Order of 3rd Reading, Senate Bill 1844. Read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1844.

(Secretary reads title of bill)

3rd reading of the bill.

SB 1845
3rd Reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Last year, when we passed the extension tax for the Chicago Board of Education, it...it included in there a flaw which...which was interpreted by the School Finance Authority that the taxes were for that one year, 1983, only and that provision which...which the...we put the speed up which is the accelerated provision of the tax 1983, it was intended to be for '84 and thereafter, and this...this amendment has...has...this bill as recommended by the School Finance Authority clears up that particular portion of the law wherein the taxes will be applicable for 1984 and thereafter, and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1844 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, the Ayes are 50, the Nays are 1, 1 voting Present. Senate Bill 1844 having received the required constitutional majority is declared passed. Top of page 15, Senate Bill 1845, Senator Jeremiah Joyce. Read the bill, Mr. Secretary, please. 1845.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1845.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. This bill would place the Chicago Fire Department under workmen's compensation. The bill as amended had the Chicago Police

Department in it. We took that back and took that amendment off, it now applies only to Chicago Fire Department. It places the Chicago...the men who work in the Chicago Fire Department in the same situation as firefighters all over the rest of the State of Illinois. This bill probably will apply to three or four firefighters per year. We are talking about those firefighters who are injured in a way that does not disable them but never the less entitles them to some compensation. Someone who is burned or disfigured on his face, he is still able to perform his duties, so he does not go on disability but he is and should be...he is not now but should be entitled to some compensation for that injury. Those of you who are familiar with this, those of you...from outside of the City of Chicago, know that it applies to a very few limited situations; probably in each Senate district downstate you don't have one case a year like this. This situation...that situation would be the same in the City of Chicago. With respect to the concerns about the State mandates, I have told those who have a concern about that, that before this bill will move out of the House we will offer in committee an amendment to clear that problem up. If that amendment does not go on, then I give you my word that the bill will not move...will not go to the Floor of the House. I ask for your support. I think it is fair and we had support in committee, and I think the firefighters of the City of Chicago are entitled to this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill...if I understand this bill and the Department of Community Affairs has indicated that it would cost Chicago a substantial amount of money if this bill becomes law, and the City of Chicago is saying that they don't have the additional cost in their

corporate funds to pick up the increased amount of money that they have to pay into the pension fund of the firefighters. The fact of the matter is that this bill would allow firemen to apply for workmen compensation under the laws of the State of Illinois and obtain lump sum benefit payments in lieu of their disability benefit payments. It could be a substantial increase to the cost to the pension fund of the firefighters in...in the City of Chicago. This bill is a tax increase bill to the City of Chicago, make no mistake about it. We don't have the money in the city to pay for this bill, and we're going to have to increase taxes to pay for this bill. Certain Senators are supported by firefighters in the City of Chicago, and that's fine and dandy and they should vote for this bill, because they go out and they campaign for them and they do a lot crazy things for them in their districts and that's great; but we got to think about the city as a whole, and this bill would be a bad bill for the city as a whole. There's no way we should pass this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm...as minority spokesman on the committee, we worked with this bill and I...I have to laugh, we've worked with this bill before, and I...some of the biggest supporters today were the ones who used to twist my arm to kill it and now some of the ones who want to pass it are...you know, I haven't figured this one out yet; but I want to stress one thing that really did irritate a lot of us is we thought there was agreement worked out, this is not a reflection of the sponsor who lived up to exactly what he said he was going to do, but firefighters' union agreed to our people that this bill, the cost would be covered by the City of Chicago. Then when they cleaned up the amendment where the policemen were

added, it suddenly was part of the State. Now the sponsor, as good to his word has said, hey, I...it was not my agreement and he will have it corrected in the House; but as Republicans, when you're trying to be helpful working on a bill, we just like to be kept informed and I really felt, and our leader who has been beating me over the head to remind me to say this, we really feel we have have been misinformed. The Governor's Office has had the same problem. They...they were opposed to the bill, now they're neutral on the bill and so, we're not rising as much to say we're against the bill, but we're saying when we're working on a bill of this magnitude that is awfully important to some working people in the City of Chicago, I'd like it, and I know my Republican leadership would like it, that we be kept a little better informed and that when we agree on something, we don't then have to come back to Jeremiah and say, Jeremiah, we agreed to this, but those guys didn't do what the rest of us agreed to. To the credit of the sponsor, he's cleaning it up, but it does put all of us in a difficult position and it puts the credibility sometimes of those who push for legislation like this puts their credibility on the line. This is going to cost the City of Chicago money. Now in the past some people who are now in favor did oppose it, cause it was going to cost money, now with different Mayors, and if I might say kiddingly, depending upon which mayor it is today, we're not sure which side some people are on. But, the point is, if you expect Republican support and cooperation, to those who had asked for this bill next time, make sure you do what you told the Republican leadership you are going to do and don't suddenly start including State costs, et cetera when you specifically said you weren't going to do things like that. With that, my position on the bill is...is...is...is sort of up in the air, but there's no longer technically...gubernatorial opposition but there certainly is

Republican leadership opposition based upon the fact that the bill was misrepresented, not by the sponsor but by other groups.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. This issue really came before our...our committee at the last hour, the last day of our meeting, and to be honest, neither side, the...the proponents or the opponents of this bill, presented any real evidence at the time to support their...their case. Those who voted for some of us voted Present at the time and...and...and that Present vote for me was that I hoped that they would get together and work out the differences between the two groups and if all possible that they would have come to some kind of agreement by now on this bill. I support the fundamental rights of the firemen to have equal protection under the law and that is the right to have workmen's compensation as any other employees in this State and throughout this country. However, we have to look at the basic facts. What will this bill do in terms of costs to the already over-burdened budget of the City of Chicago, and then what will it do to the taxpayers who have been the last five or ten years taxed over and beyond their limit to pay? And I'm afraid that if we pass this bill before working out those problems, that we're going to do more harm to more people than we would allow do to the firemen by...allowing them to continue on the program that they are on under...through their pension fund and then trying to work on this bill for either the fall or next year, that's a little time, and so that the city would have an opportunity to plan within its budget the necessary funds to fund this program. I think that would be the most sensible and the most responsible thing to do under the circumstances.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

...Jerry, does...does...has the city administration...taken a look at this bill? Do they approve the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

My understanding is that the City of Chicago is opposed to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

One more question. I noted in the Digest that there was not a...the time that this Digest was written no cost estimate available, but that the National Conference of Compensation Insurers was developing the estimate. Do we have that now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

No. The...we do not, to my knowledge, have an estimate of the cost. What we do have is a guesstimate of how many cases this will apply to and that is three or four a year. Now, what someone will be awarded for having their hand blown off or having their face burned, I don't know. Those...all of you people who live outside of the City of Chicago are probably better judges of what this will cost the City of Chicago than we are, because you have it in your own districts. The answer to your question is, we do not have that number.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? UPI has requested permission to take still photos. Is leave granted? Leave is granted. Further discussion? Senator Jeremiah Joyce may close.

SENATOR JEREMIAH JOYCE:

Well, before I close, I'd like to address Senator D'Arco. This is the Illinois Senate, this is...is not a pool hall on Taylor Street. For you to stand up every time and impute various reasons to various members for why they are handling legislation, I find offensive. The fact that I have a lot of firefighters in my district, the fact that you may not have a lot of firefighters in your district does not go to the merits of this bill. We're talking about men who are hurt every year, who have no redress, who are walking around trying to support families, who are burnt, who are injured or disfigured, and that's what this bill addresses. With respect to the...whatever confusions there were on the State mandates, I will clear those up. These men are entitled to the same type of relief available outside the City of Chicago, and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1845 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 9, 1 voting Present. Senate Bill 1845 having received the required constitutional majority is declared passed. 1848, Senator Etheredge. Top of page 15, Senate Bill 1848, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1848.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President, Ladies and Gentlemen of the Senate,

this bill amends the Unemployment Insurance Act. What it says is that school bus drivers who are employed by private contractors, who move children back and forth to school under a contract with a school district will henceforth, be ineligible for unemployment benefits during the Christmas vacation and during summer vacations when there is a reasonable expectation that they will resume their employment when school begins again. I would be very happy to respond to any questions; if there are none, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I rise in opposition to this particular piece of legislation. A year ago, we passed legislation which I objected to which dealt with public employees and those nonacademic employees located at universities throughout the State of Illinois saying that they...particularly in the food service individuals who are paid minimum wage were ineligible for unemployment compensation benefits during the summer terms and during the Easter break and all the other breaks that occur at a...at a university. Because of Federal compulsion, I'm told that that was one of the problems we had and we had to do that, I'm still not convinced. But this bill goes very much beyond, that and for the first time we are notching out a particular segment of privately owned bus operators and their employees. Now these are not public employees, these are not people that work for the school district, these are people that work for a privately owned, profit making, chartered bus company. And we're saying that those employees are different than any other employee in the State of Illinois, by saying that during the summer term when these guys are laid off, they're not laid off. Now, they are laid off, they are not

getting a check, they are not being paid and they're unemployed; and to say to that specific, small segment of our population that those people are...are not employed and not eligible for unemployment benefits, I think flies in the face of the logic of the system. They charge us based on all the costs that they have. Senator Davidson and the Education Committee and the School Problems Committee comes through this legislative Body every Session with ten thousand changes on how we're going to help the privately chartered, privately owned bus companies handle all the costs, and then to say that these guys are not unemployed during the summer is illogical, and we ought to say to them, if you're unemployed, you're entitled to unemployment compensation benefits.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further 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:

...do schoolteachers get unemployment compensation during the summer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I rise in support of this bill, Mr. President and Ladies and Gentlemen of the Senate. When my...in my legislative district one of my school districts owns the bus company. Alright. Now, I don't think there's anything different here than the schoolteachers, and certainly it's under-

standable that they shouldn't get unemployment comp. in the...in the summer months and between the semesters. If we can't do it for the teachers, why do we have to do it for the bus drivers? I rise in support of your bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins. Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Collins.

SENATOR COLLINS:

What happens if the person during that summer...during that period when they're not working, the person assume that they have a job at...at the beginning of the new season, and for whatever reason, they...the company can't afford to...to take them on so they're going to cut back? What happens to all of that period in between that they were really laid off when...at the date that the service was terminated for that summer period? And you're saying that they were...would be ineligible to draw unemployment compensation for those back weeks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

No, No. No, I did not...did not mean to imply that at all. They would be eligible for retroactive benefits for those weeks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

...but see, under the present law, they would of have to had...have filed a timely claim, weekly claim, for all of those weeks that they were waiting to see whether or not they would be starting back to work again under that season. Now,

if you could put something in your bill to guarantee that if the company don't accept that person that they can in turn be eligible for unemployment compensation from the...week that they were laid off for that season, the period that they were off, then that would be fair; otherwise, it's just unfair what you're trying to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Further discussion? Senator Etheredge may close. Whoop, wait a minute. Is that...Senator Collins, is that a question? Sorry. Senator Etheredge. Senator Etheredge, Senator Collins apparently had asked you a question.

SENATOR ETHEREDGE:

Yes. Senator Collins, I agree with you a hundred percent. My...they...they should be covered in that...in an instance such as the one you cite, and I believe that the way this bill is written they would be so covered.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

...but your bill don't cover that. It does not in...cover it at all. You would have to...amend the existing laws so that they would no longer have to file a claim on a timely, weekly basis. Now, if you have not done that, they would not be eligible to recoup that money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, I'm looking at Section C on page 3 of the...of the bill, and let's see, let me find the right line here for you...lines 23, 24 in particular contain the language where it says, beginning on line 23...or picking up in the middle of that. "Such individual shall be entitled to a retroactive payment of benefits for each week for which the individual

filed a...a timely claim for benefits as determined by the rules and regulations issued by the director." I...I believe that those words cover the instance that you cite, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

How can you assume that...that you're not going to be rehired when you're told that you have a job? And then why would you go to the unemployment office and say that I'm filing this...this claim every week, I assume I'm going to get hired but I may be laid off?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

That's the reason we've...we've written it in this way, so that the rules can cover an instance such as the one you cite.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Further discussion? Senator Bruce, for a second time.

SENATOR BRUCE:

Well, Senator Etheredge, you tell me what happens. Bruce the bus driver leaves in June; he's told, you'll have a job in September. Obviously, Bruce the...bus driver doesn't go down in June, July, August and file claims for unemployment compensation because they've told me I have a job, right? Alright. September they...they come up and say, Bruce the bus driver, you don't have a job, doesn't matter public or private now, we're talking about the question of a bus driver. How do I file a claim for unemployment comp. since I've not filed a...a timely claim in the quarter in which I'm going to claim benefits? Second quarter, quarter is over, September 1, no eligibility. Am I eligible for unemployment comp. for June, July and August when I wasn't unemployed? The answer is

no, and your bill doesn't improve it, it only makes it worse for a second group. Now, ask your staff guy, am I eligible or not? I think he'll tell you the answer is, you're not eligible in September.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Etheredge may close.

SENATOR ETHEREDGE:

Well, it's my understanding, Senator Bruce, to...to respond to your...your question that the...the rules would make it possible for you to claim retroactive benefits in...in that situation. And now in...in closing, let me say that this bill would...reinstate some fairness and some equity into a system where there is not that fairness and equity at the present time. This bill would impact school bus drivers who are in the employ of private contractors. They would not be eligible to receive unemployment benefits during Christmas vacation and during summer vacations when they have a job when school resumes. That is exactly the...the kinds of provisions that now apply to bus drivers who are employed by school districts. I believe that we should treat...school bus drivers employed by private contractors on the same basis on which we presently treat bus drivers employed by the school districts. I would ask for your support of this bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1848 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? Senator Johns. Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 16, none voting Present. Senate Bill 1848 having received the required constitutional majority is declared passed. 1850, Senator Rock. Middle of page 15, Senate Bill 1853, Senator Becker. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1853.

(Secretary reads title of bill)

3rd reading of the bill.

END OF REEL

REEL #5

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Mr...Mr. President, I...I rise to request the sponsor just would...would hold this bill. As a joint cosponsor, I'm not prepared to move on it today and I would appreciate the courtesy of you holding it. There's some serious questions...aren't answered.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Becker.

SENATOR EECKER:

I...I am prepared, Senator Newhouse to, move on the bill at the present time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. Chairman...Mr. President, I...I'd like to be removed as a joint cosponsor of this bill in its present form. I'd ask leave to do that at this point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Well,...you've...you've heard...you've heard the request. Is leave granted? Leave is granted. Remove Senator Newhouse. Senator...Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

Well, I...I...rise to object strongly. I...I was a joint cosponsor and my name is not on the Calendar, so put my name on there in place of Senator Newhouse's, if you would, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, you've heard the request.

SENATOR EUZBEE:

'Cause I...I really did sign on to the bill, so I'm highly perturbed that my name is not appearing on the Calendar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee has requested leave of the Body to be added as a cosponsor of Senate Bill 1853. Is leave granted? Leave is granted. So ordered. Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

The same...purpose Senator Newhouse. I would like off of the bill at this time because I did hope that we could work out some problems with it that has not been resolved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Collins seeks leave of the Body to be removed as a hyphenated...as a cosponsor of Senate Bill 1853. Is leave granted? Leave is granted. So ordered. Now, Senator Becker.

SENATOR BECKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1853 is the bill that AT & T comes to this General Assembly to ask for permission to lay the fiber optic cable between the City of Chicago and the City of St. Louis down Interstate I-55. I personally want to thank each and every Senator of this General Assembly for allowing me the time to explain the importance of this cable to telecommunications not only in the State of Illinois but in the other states where it will be laid in future years. Seeing the Calendar today with fifty-three hyphenated sponsors and cosponsors and three people assuring me that they would vote Yes, I find no other opposition to the bill, and I would ask for a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator DeAngelis.

SB 1855
3rd Reading

SENATOR DeANGELIS:

Yes, Mr. President, I want to declare a conflict of interest. I watch television in Springfield on occasion at night.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR BECKER:

Favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver, did you wish to speak on this?

SENATOR WEAVER:

No, I better not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1853 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Final call. Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 3, 1 voting Present. Senate Bill 1853 having received the required constitutional majority is declared passed. 1855, Senator Berman. Middle of page 15, Senate Bill 1855. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1855.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. First I'd like to ask...add Senator Becker onto this bill whether he wants to or not. This bill addresses a...a problem that has come to our attention from the Disabled Persons Advocacy Division of the

Attorney General's Office. It deals with the process of evaluation of children that need special education services in our public schools. The bill makes no dramatic changes except that it clarifies the right of parents, after there has been a multidisciplinary conference regarding the child's problems, to receive the records pertaining to that child and to be advised in writing as to resources available for an independent educational evaluation of that child and also sets forth a time period in which that independent evaluation may be taken. We've worked with the State Board of Education in preparing the amendments that have been put on the bill. It's supported by the Attorney General's Office, the Illinois School Psychologists Association and I'd solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Netsch.

SENATOR NETSCH:

...thank you. A question of the sponsor. Does it also cover the circumstance where a child is being reevaluated or where the school system is coming in and saying that those who had at one time reached the category are now to be quickly undone?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

I think...my answer is, I'm not sure, and let me just say that there is a separate provision in Article XIV regarding reassignment. This language does not...is not plugged in at that point. To give you an...honest answer, I'd have to read that language and see how it all reads together. At this point, I...I'm not able to give you a definitive answer.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

The only thing I'm thinking is that might be worth checking, and it might be that it is necessary to be in that area also.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall Senate Bill 1855 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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. Senate Bill 1855 having received the required constitutional majority is declared passed. Senate Bill 1857, Senator Darrow. Read the bill, Mr. Secretary, please.

SECRETARY:

1857.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Back in the 1970's when other civic...center authorities were being established, Rock Island, Moline and East Moline could not agree on a site. They have now agreed on building a civic center on the east...or on the Moline-Rock Island border near the Rock River. The community...the business labor community has joined forces and asked that they be allowed and given the authority to establish...such a civic center and that is the purpose of this legislation. There's been an amendment added to this bill to provide for the Pekin Civic Center on behalf of Senator Luft. I would ask for a favorable vote on this legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall

SB 1859
3rd Reading

Senate Bill 1857 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 1857 having received the required constitutional majority is declared passed. Senate Bill 1859, Senator Macdonald. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1859.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 1859 authorizes take-or-pay provisions for the supply of water. Take-or-pay provisions require a purchaser to pay the full cost of a contract even if the product is not received. This bill authorizes municipalities, water commissions and municipal joint action water agencies to enter into such contracts for the supply of water. The purpose is to enable the various water agencies in northeastern Illinois to be able to market bonds in order to finance a system to supply Lake Michigan water. It had been thought that this was in the law and...from prior legislation, but because of the State of Washington Supreme Court decision that allowed the public utility to defeat...or to default thus causing bondholders 2.5 billion dollars, it was thought that this bill should be put into law in order for us to be able to issue these bonds. I would ask your approval and favorable vote of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question...is, shall Senate Bill 1859 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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. Senate Bill 1859 having received the required constitutional majority is declared passed. Senate Bill 1861, Senator Friedland. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1861.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1861 would correct an administrative problem in the Mental Health Code. It was suggested by the Comptroller's Office and it's supported by the Department of Mental Health, and I would urge your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1861 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1861 having received the required constitutional majority is declared passed. Senate Bill 1862, Senator Macdonald. Read the bill, Mr. Secretary, please. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Yes, had I been on the Floor I would have voted in the affirmative on Senate Bill 1857.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the record will so indicate. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1862.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Macdonald. Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 1862 makes four changes in the procedural provisions of the Environmental Protection Act. The bill as...as amended is acceptable to the Illinois EPA and other agencies potentially affected. There is no opposition to this bill as amended. Briefly the bill does the following: it requires that variance between...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Excuse me, Senator Macdonald, but I'd like to hear you myself. Senator Macdonald.

SENATOR MACDONALD:

...yeah, first...first it offers...it requires that variance petitions be filed with the Pollution Control Board as well as the Illinois EPA; it extends the deadline for Pollution Control Board review of landfill siting appeals from ninety to a hundred and twenty days from the date of the case filed; it authorizes the Pollution Control Board to hear appeals from final administrative agency determinations made pursuant to the Environmental Protection Act, such as trade secret determination or landfill operator certifications; and, four, it provides the Pollution Control Board with a procedural mechanism by which it can develop alternative standards for uniquely...situated pollution sources. I ask for your approval of this bill. It is an administration bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall Senate Bill 1862 pass. Those in favor vote Aye. Those opposed vote

May. The voting is open. 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. Senate Bill 1862 having received the required constitutional majority is declared passed. Senate Bill 1864, Senator Schuneman. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1864.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. House Bill 1864 creates the General Obligation Bond Act, establishes a uniform procedure for the issuance and sale of General Obligation Bonds of the State. It establishes the General Obligation Bond Retirement and Interest Fund to receive all monies directed to various State bond and interest retirement funds. After June 30th of 1984, additional bonds shall be issued or sold only under the provisions of this Act. The principal reason for the introduction of this bill is a Federal law which was passed a year or so ago which requires that bonds of the type that are issued by the State of Illinois and municipalities around the State be registered as opposed to the old bearer type bonds that have been issued for so many years. The State has...a number of bonds that are presently issued and what this bill would do, in effect, is streamline that whole proposition, put all of the various bond funds into one fund and make a much better operation of State Government. It would save several hundred thousand dollars each year in costs to the State. The bill has been worked out with the cooperation of the State Treasurer and State Comptroller. I'd try to respond to any questions that anyone might have.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Netsch.

SENATOR NETSCH:

A question of the sponsor. Does this still...

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR NETSCH:

...does this still provide for the discounting of bonds sold by the State of Illinois?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

It will have no affect on that, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR SCHUNEMAN:

It will not change the discounting of bonds, if that's...as I understand it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Bruce, at Senator Savickas' desk.

SENATOR BRUCE:

Thank you. Senator Schuneman, I noticed in this legislation in...in Section 16, there is an allowance for the State to issue refunding bonds. I...I am curious about...is that a new authorization of two hundred million dollars? And exactly how the refunding bonds are going to be issued. I'm particularly concerned, having done a little work in this area, what particular projects are refunding bonds considered to be issued for in that the total cost of that particular project would be extended into the future?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, as...as you know, I think the answer to your first question is that this is a new provision...that this is a new provision and, as you are aware if you've worked in this area, the refunding is...is often used as a means of reducing interest costs. And...and that's the way in which...that's the purpose of having that provision in here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I understand the purpose of refunding bonds. You...you take current debt that's due, say, in ten years, you issue a refunding bond, and make the debt due for twenty years. And then you pay interest and principal on twenty-year bonds rather than ten-year bonds and your day-to-day net annual interest charge is less per year but the...the long-term is you are paying twenty years worth of interest. My concern is that all I see in Section 16 is the fact that the Bureau of the Budget can issue those refunding bonds. Who decides, and I...I certainly hope that Senator Euzbee and Senator Carroll are listening, and Senator...the...the two Minority Spokesmen, Schaffer and Sommer, because if the Bureau of the Budget starts issuing refunding bonds on currently funded projects that dramatically changes our interest and principal payments in a given year and spreads out twenty-years projects to say, thirty-year projects. And without some sort of legislative authorization I, frankly, would be very unwilling to...to allow that. And...and as I read this bill, we are giving the Governor of the State of Illinois the authority to issue two hundred million dollars in refunding bonds upon the recommendation of the Bureau of the Budget without any legislative involvement whatsoever. And that is the largest bond author-

ization I know of that we've ever passed without knowing anything about what projects are involved.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, before we get to my questions, I'd like to have a response to the gentleman's previous comments. In...in reference to the two hundred million dollar figure, that's absolutely correct, it would be the largest bond proposal and I was wondering if the gentleman had an...an answer to it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

My staff person isn't here, Senator, and I...I frankly cannot give you the answer that I think you're seeking which is whether or not the Bureau of the Budget or some other agency of government could simply refund without prior approval by the...the Legislature. Is that your question? I can't give you the answer. Perhaps...we could take this out of the record, if we could get back to it because it is a significant...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Take it out of the record.

SENATOR SCHUNEMAN:

...bill and I'd be glad to do that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Just for the record, Mr. President, how many votes would be required since we're talking about the full faith and credit of the State of Illinois in this bill, in order for it to be effectively passed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator, the question isn't in order but, off the record, that since it does take the full faith and credit of the State that I would imagine pursuant to Article IX of Section 9 of the Revenue Act of Illinois that it would take thirty-six votes.

SENATOR LECHOWICZ:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

House Bill 1865, Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1865.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. Senate Bill 1865 would increase fees which have not been raised since 1961 on insurance companies doing business in the State of Illinois. The assessment on domestic companies based on a premium cap of forty-five thousand dollars per company and a hundred and fifty thousand dollars on...per group of companies doing business in Illinois. It relieves the domestic companies from paying for financial examinations; basically, it would raise about three and a half million dollars which would supply the department with about four to six hundred thousand dollars more. It would be...they would be able to increase the staff for analysis and examinations. Currently, there are some fourteen...hundred insurance companies operating in Illinois and we have about a staff of seventy to...monitor these activities. As you all know, basically the banks and trust companies, the savings and loans, the utilities, telephone compa-

nies, et cetera all pay for the cost of regulation. And today in Illinois we have probably a hundred and fifty companies that are doing business here in Illinois that are problem cases, and with stepped-up supervision I hope that we can better regulate those insurance companies doing business in Illinois. Now if there are any questions, I'll be happy to try to answer them. I know there are some concerns here, but this is an effort to charge those who are regulated as we do the utilities in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There are a few Senators that seek recognition, Senator Rupp, Newhouse and Euzbee. Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I do rise in opposition to Senate Bill 1865. You know, whether we realize it or not, the State of Illinois at the present time does have a rather favorable insurance business climate. This bill might change that. The bill applies only to our domestic, and by domestic I mean Illinois companies. It does not apply to companies outside of Illinois. That means that companies like Prudential, Metropolitan would not be paying these fees. It seems that we're just not satisfied unless we...we're going to start to treat the insurance business in Illinois like we've been accused of treating the other Illinois businesses. This bill just seems to be determined to do that job. There has been a lot of incorrect or half-truth information put out on this bill too. I received a letter from an agent friend of mine and the caption in the letter, the heading, the reference, was "Senate Bill 1865-insolvencies." This is not an insolvency bill, it's a funding bill. I'd like to read the staff analysis, our staff analysis says, "Creates an assessment funding mechanism to fund the Department of Insurance and creates a dedicated fund, the Insurance Financial Regulation Fund." This is not an insolvency bill, it's a

funding bill. The director stated, I heard here today from the sponsor, three and a half million dollars. The director of the Insurance Department stated in the House committee meeting that this would give him an extra seven hundred thousand dollars. Now, the bill doesn't mention...there isn't one mention in there as to how this extra money will be spent. And it doesn't say that it's going to be spent only to prevent insolvencies. Instead, let me read what it says in the bill, "All fees and charges collected by the director under Section so-and-so and so-and-so, shall be remitted to the State Treasurer for deposit in a special fund in the State Treasury to be known as the Insurance Financial Regulation Fund. The monies deposited into the Insurance Financial Regulation Fund shall be used only," and this is interesting, "used only to defray the expenses of the department in discharging its various regulatory powers and duties and shall be appropriated as otherwise provided by law for the payment of any such expenses occurred by the department." It goes on further to say that, "Any money that remains unexpended in the Insurance Financial Regulation Fund at the end of the fiscal year shall remain in the fund and shall be available as otherwise authorized by law for the subsequent fiscal year." That's a little bit different as far as we treat the other departments. There was an inference that we should let these big insurance companies pay and pay the expenses of regulating themselves. I assure you, Mr. Sponsor, that they're already doing that. I'd like to ask you just a rhetorical question, but do you know how much the Insurance Department produces for the General Revenue Fund each year? It's about a hundred and twelve million dollars. This year our own Insurance Department estimates that it's going to be about one hundred and eighteen million dollars and you know what we to give the department to...to regulate and to operate? About seven and a half million. Now one of the things

that puzzles me...and I offered and I know I couldn't guarantee it, but I offered to help raise the extra money for the extra examiners to help prevent these insolvencies through the regular appropriation process but...the director wasn't interested, he wants it this way only. I asked him why, and while I thought that was a rather logical question, the answer I got was, "I want some stability to some of the funds of the Insurance Department." Well, I feel that all directors would like that, but how can we guarantee the income of the State? We can't. So, I don't see how we could possibly guarantee a certain amount or a certain level for any departmental budget. And also, and this wasn't mentioned, that there are some groups or types of companies that are excluded from this bill. It does not apply to district, county or township mutuals under the director of insurance's control; it doesn't apply to guarantee funds, the Illinois Insurance Exchange, self-insurers, self-insurance funds. Why don't we include all these companies? I don't believe that these groups are immune or excused from becoming solvent. I have read the bill and the amendments and I did not see the word "insolvency" even once. It's a funding bill, it's not an insolvency bill and I do ask that you vote No on this bill, and I'd like to suggest some appropriate action. Since the sponsor is an undertaker, perhaps the proper action would be to defeat this bill, bury it, and let the sponsor officiate at the last rites. I do have a couple of questions I would like to ask the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator, if you keep it within the time frame.

SENATOR HUFF:

Are you serious? The bill is aimed at domestic or Illinois companies only. Now one of the most recent and biggest insolvencies involved an Arkansas company and an Indiana company, this was in the Baldwin United problem. That

involved millions of dollars, Illinois people and many Illinois...citizens. We know these other companies, like those, are susceptible becoming insolvent since we've already had them become insolvent. Now why aren't those out-of-state companies included, and shouldn't we just to be about as much concerned about them as we are about our own domestic companies?

PRESIDING OFFICER: (SENATOR SAVICKAS)

That's a question, Senator Weaver.

SENATOR WEAVER:

There's been so much noise behind me I'm not sure that I heard the question. We can...can you restate...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR WEAVER:

...are you...let me...I think I know basically what he asked. Why don't we hit the foreigners? Already we have a two percent premium tax on foreign companies which is bringing in about ninety million dollars a year. If we put this onto foreigners then we're asking for other states to tax Illinois companies and we come out the loser. Basically, we're still going to be putting in about two and a half million dollars of General Revenue money into this operation, and I...personally I feel that we ought to increase it more down the road to make it self-sufficient. Last year it cost the taxpayers about twenty-seven million dollars for insolvencies in life and accident health companies here in Illinois. You know, Senator Rupp, after the first three million, then we pick that up and pay it. So there's many reasons why we don't address some of those other issues of taxing foreign companies.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

We'll I'd just like once to have somebody address and indicate that they're going to do something about the insolvencies, they're not. There isn't anything in that bill, the word isn't even mentioned in the bill, insolvencies. And yet we keep hearing this and this is the purpose of it and I just think that there has been some work, shall I say...shall I call it, that was a little bit borderline as far as I was concerned on the bill and some of the stories that were put out on this particular bill. I still ask for a No vote and let's put Senator Weaver in charge of this burying.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse. Senator D'Arco, oh...Senator Newhouse. Senator D'Arco.

SENATOR D'ARCO:

Senator Newhouse. Thank you, Mr. President. This bill has been around for a long time. We've had this bill before this Body on any number of occasions in the past, and it's the same old story only it's got a new name this year. But it's...we used to call it fair share funding but we don't use that terminology anymore 'cause we're getting a little more sophisticated. The facts of the matter are that the domestic and foreign companies in the State of Illinois generate to the State of Illinois, as Senator Rupp indicated, over a hundred and twelve million dollars for the State Treasury. Now the budget of the Department of Insurance is between six and eight million dollars a year, and they're asking for more money via a tax on domestic companies and this affects all domestic companies. The smallest domestic companies have to pay this tax, medium size and large, up to forty-five thousand dollars. The tax can be up to a maximum of forty-five thousand, that's an awful lot of money. They've also got in this bill some fee increases that are astronomical; I mean, there's a couple in here nine hundred percent fee increases

to put the burden on these insurance companies. It's not fair to the companies and if the department needs more money then get it out of the General Revenue Fund where it should get the money like every other department in this State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Euzbee.

SENATOR EUZBEE:

Well, two or three things. First of all, I understand that there is...going to be a...a fee that will be established with the...with this bill of some forty-five thousand dollars, and that fee will be charged to say, Blue Cross and Blue Shield who I think their annual premium income is what, three billion, something like that, forty-five thousand dollars fee for a three billion dollar premium income. And then there are other companies in this State who will be charged the same forty-five thousand dollar fee that may have a premium income of maybe two or three million, five million, ten million. First of all, there is a basic inequity, unfairness, it seems to me in the fee charge structure. The second thing, and I guess the thing that I object to the strongest because I believe very strongly in the legislative process, I believe very strongly in the General Assembly as...as spelled out in the Constitution of this State that the General Assembly is a coequal partner with the Executive Branch and with the Judicial. That is...that is a...that is a constitutional lineage that comes down to us from our forefathers and...when Thomas Jefferson wrote the Declaration of Independence and then when the...when the United States Constitution was written and promulgated in about 1787. We are giving up, if we pass this bill, a lot of that coequanimity because we are going to lose control of the appropriations process in appropriating the dollars to operate the Department of Insurance. Now I happen to trust Director Washburn implicitly. I think that he is one of the

Governor's outstanding directors, of which he has several as a matter of fact, some aren't so good, but Director Washburn happens to be one of those that I think is...is a person who merits a lot of trust and confidence. It's got nothing to do with it, however. The fact of the matter is, we're going to give up our ability to control the appropriations process through the establishment of...I've forgotten what it is called, I'm not sure if it's a trust fund or whatever it is, but he's going to be able to control his own budget, the money will come to him and he does with it what he wants. Now, I don't think that's a good idea, because if we do that there then we're going to start establishing for other departments, perhaps with the Department of Revenue. Why don't they control their own budget? After all, they're the folks who collect all the taxes. We can go on and on and on and on that we'll just let everybody control their own budget. I don't think that's a good idea. I think the General Assembly ought to be able to control the process. I learned a good lesson from the Senate President a few years ago, when I said to him one night when we were having dinner, why do we get so excited about the appropriations process? You and I think it's important but it doesn't seem to me that there's too many other people that think it is. And he said, oh, no, we never give up the appropriations hearings, we never give up on our ability to call those directors in and make them answer our questions, and I think that's correct. And I'm not saying...I know that...I know Senator Weaver is going to say, yes, we're going to be able to call Director Washburn and make him answer the questions. But the fact of the matter is, he's going to call...he's going to control his own budget, the money is going to come in and we don't have to appropriate it, as I understand it. We appropriate it but it...but it does not come through the General Revenue Fund, and I don't think we ought to do that. I think we ought to

keep control of the funds that come into this State, and I think we ought to defeat the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver, that wasn't a question, so we'll give you an opportunity in closing. Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR JONES:

Yeah, Senator Weaver, I'm a little confused, could you explain the hundred and fifty thousand dollar max on domestic companies?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Yes. There are several...like holding companies that have...they're owned by the same holding company, several companies owned by the same holding company. If we put the cap on each one of those companies at forty-five thousand dollars, it would amount to a great deal of money, so we had to put a cap somewhere. So in those...in that holding company it has a number of insurance companies by name that would be capped at a hundred and fifty thousand dollars for that company.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Could you tell me the percentages of the total premium of those large companies or holding companies, their percentages of total premiums in the State of Illinois?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Let me put it this way, Senator Jones, it's based on one-twentieth of one percent up to the first ninety million dollars of the company which would amount to forty-five thousand dollars capped. That's how it's figured.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

What I was trying to get at was simply this, it seems to mean that when you place that cap on, your smaller domestic companies in...in a way are subsidizing the larger companies...because they are not...they do not have their share proportionately discounted as the larger companies. So in essence, the smaller companies who have a very, very small percent of the total premium done in the State of Illinois, they are in essence subsidizing the large, giant companies the way the legislation is drafted with the cap.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise, albeit reluctantly, in opposition to Senate Bill 1865. I have probably as high a regard for the new director as for anyone. Senator Bruce and I remarked that it...the first time we saw a bill like this I think was under Governor Ogilvie when we, as freshmen, were assured that without this kind of funding the Department of Insurance would surely go down the tubes. I just call your attention to page 20 because it is truly very artfully drawn. But it calls into question, it seems to me, the essence of the funding of the government and what is the impact on the General Revenue Fund over which we have some direct control. It points out that the money that's deposited into this fund will accrue interest and the interest and the money stays there, not transferrable out. Further says, it mandates that

there shall be an appropriation, I don't know of any other agency that has that kind of mandate. It finally says that if for some reason the fund is not enough, that the Comptroller shall transfer from any other fund upon the direction of the Department of Insurance. Those provisions simply aren't found anywhere else, and it seems to me that when you consider also the fact that the assessment for examination is less, in my judgment, than fair, since you take a company like Allstate who will under this legislation save probably a half a million dollars and other companies and they will all be equal, whatever the amount is, I guess it's forty-five thousand or ninety thousand, pick an amount, but they're all equal no matter how big they are. It also will afford the opportunity, the testimony has it, that there will be somewhere between seventy and eighty new employees, examiners, who will be I guess running around ferreting out what they ferret out. I just think it's too much too soon and I have said that, I think, since 1971. Every director of insurance has proposed this or a similar piece of legislation, it has never yet gotten out of the Senate and I suggest that this one ought not either.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Ladies and Gentlemen of the...Senate. I was not going to speak on this bill. Like the others, I've watched the Department of Insurance try over a period of years various proposals to come up with the money that they think is necessary to try to inspect and examine those companies that they think ought to be examined. And frankly, I am...this year reluctantly agreed to support this bill simply because I think that we have to pretty soon begin to listen to them that...one director after another is telling us that we've got to have some more money for insur-

ance company examination in Illinois. And the companies didn't like the fair share funding and I didn't either. And I've forgotten what the next year's version of it was called. But we finally have one now which has some limits as to how much would be charged for...charged to each company. But the thing I want to...I want to say to you is this. We're having some pretty dramatic things happen in the financial community in Illinois with Illinois' largest bank possibly in some kind of trouble. We've got a lot of little insurance companies in this State who I think ought to be examined pretty carefully or we're going to have some consumers in bad trouble as a result of insurance company failures. So the problem of the Insurance Department has been that when they come in for their budget request, they are in competition with education and with public aid and with all the other needs of...of State Government, and they don't get the money that ought to be provided under the regular appropriation process. So I think, you know, we can vote this bill down, but the problem isn't going to go away. I intend to support the bill, it may not be perfect but I ask you to...to give some consideration to my arguments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, intend to support this bill from the standpoint that unfortunately the climate of regulation in this State is not really what it should be. As has been pointed out, there are a number of financial institutions that are in serious jeopardy; in fact, the seventh largest bank is in jeopardy. Only through the work of the FDIC and...conglomerations of additional banks that that matter has not been a total tragedy. And, unfortunately, I believe the...the director of insurance is trying to tell us that

there are insurance companies in this State that are in trouble as well and, unfortunately, that the money that has been provided to his department through the General Assembly appropriation process as far as the auditing of the insurance companies is not what he anticipates is needed especially at this time. And in this way he is asking that funds be allocated to his department and gone through the appropriation process just like we do for...savings and loans, where fees are charged to the savings and loans the...again monitor four hundred and twenty-one of them in the State, the appropriation process appropriates the money that is charged by fees, the director of insurance is saying, let's impose a fee for the insurance companies within this State, not coming...not coming out of General Revenue Funds but establishing a fee system so we can audit and protect the insurance carrier in conjunction with the people who are insured by that carrier. Who really gets hurt when an insurance company goes down? It's not the company per se, it's the person who has had insurance and has an outstanding obligation within that company. For this reason, I would ask that the individuals on this side of the aisle would give that some consideration. Would you rather have the money come out of General Revenue Funds or out of the insurance premium? Do you think the insurance companies have made any money in this State? Do you think that they're hurting in profits? Do you think they should be adequately audited? Then you should support this bill. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any other speaker for the first time? If not, Senator Bupp for the second time.

SENATOR BUPP:

Thank you, Mr. President. The only thing I would like to reaffirm or reemphasize is the fact...I don't believe...anyone who has spoken has questioned anything about

the need for more supervision. But the thing that bothered me is when my offer to do just what some of you folks are proposing, give them more money, I said, okay, fine, I'll try to help you get it through the regular appropriation process, but he wasn't interested in that. So to me, that discounts the fact that he's genuinely concerned about these insolvencies because he wouldn't take any help. So what I would like to suggest is that this bill be taken out of the record, that we make an effort, since we're all seem to be in pretty much of an agreement, to increase the Department of Insurance regular appropriation. If that's what I would like to suggest and I think if there's a...the feeling that I've sensed here that you do appreciate the fact what they're trying to do, then I would like to make that suggestion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Weaver may close.

SENATOR WEAVER:

Thank you, Mr. President. I think there's been some misconception here. Senator Buzbee says...that the department will not be going through the appropriate process. It will, it will have to go through the appropriation process...every nickel they...the department spends has to be appropriated. And, Senator Rock, on page 20, it says, "Any monies remaining unexpended in the Insurance Financial Regulation Fund at the end of the fiscal year shall remain in the fund and shall be available for otherwise authorization by the department," which means that it goes into the next fiscal year and the fund remains there. I don't know...Senator Rupp seems to be wanting to spend a lot of general revenue money that we don't have. We ask every other...regulated industry in the State of Illinois to pay for the regulations, why not the insurance companies? I know you're an insurance agent, I'm an undertaker. We all got to make a living but I'm just saying that's my feeling, you vote

the way you want but I think it's a good bill. I think we have the oversight, we control the purse strings, the director has to come back to the Appropriations Committee every year to get authority to spend every nickel that's appropriated to him. And I would appreciate a favorable roll call.

PRESIDENT:

Question...question is, shall Senate Bill 1865 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, there are 31 Ayes, 22 Nays, none voting Present. Senate Bill 1865 having received the required constitutional majority is declared passed. Senator Rupp, for what purpose do you arise?

SENATOR RUPP:

Verification of the affirmative roll call, please.

PRESIDENT:

All right. Senator Rupp has requested a verification. Will the members please be in their seats. Mr. Secretary, read the affirmative roll.

SECRETARY:

The following voted in the affirmative: Barkhausen, Becker, Berman, Bloom, Davidson, DeAngelis, Degnan, Donahue, Egan, Etheredge, Fawell, Geo-Karis, Grothberg, Jerome Joyce, Kelly, Kustra, Lechowicz, Luft, Macdonald, Mahar, Maitland, Marovitz, Nedza, Netsch, Sangmeister, Schaffer, Schuneman, Sommer, Watson, Weaver, Welch.

SENATOR RUPP:

Senator Kent.

PRESIDENT:

Senator Donahue you mean?

SENATOR RUPP:

Then Donahue.

PRESIDENT:

SB 1521
Recalled

Senator Donahue on the Floor? Senator Donahue on the Floor? She is on the Floor, Senator Rupp, she just came in the front door.

SENATOR RUPP:

Degnan, Senator Degnan.

PRESIDENT:

Senator Degnan is in his chair.

SENATOR RUPP:

Senator Bloom.

PRESIDENT:

Senator Bloom on the Floor? Senator Bloom on the Floor? Strike his name, Mr. Secretary. You question the presence of any other member, Senator? All right, Mr. Secretary. The roll has been verified. On that question, there are 30 Ayes, 22 Nays and none voting Present. Senate Bill 1865 having received the required constitutional majority is declared passed. All right. With leave of the Body, we are attempting to...all right, we are attempting to adjourn at six o'clock. A number of the members have asked that we...return to the Order of Recalls so that Enrolling and Engrossing can, in fact, get their amendments prepared for action tomorrow. I've discussed it with Senator Philip. We will attempt to go through the recall list as quickly as possible. A list is being prepared and will be distributed shortly. We will be starting with...if you just want to write these down until we get the list, 1521, 1612, 1625, 1725, 1733, 1743, 1790, 1889, 1896, 1939, 1949, 1954, 1179...1179 and 1935...1933. 1933 and 1179 are the last...and...and 1935, all right. All right, if we can have your cooperation. If the members will be ready, we'll attempt to move as quickly as humanly possible. Middle of page 7, on the Order of Senate Bills 3rd Reading, Mr. Secretary, is Senate Bill 1521. Senator Netsch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted?

Leave is granted. On the Order of...1521. On the Order of Senate Bills 2nd Reading, Senate Bill 1521, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Netsch.

PRESIDENT:

Senator Netsch on Amendment No. 2.

SENATOR NETSCH:

Thank you. First of all, I need to Table Amendment No. 1 because we picked it up and incorporated it into the revised amendment. So, having voted on the prevailing side, I move to Table Amendment No. 1 to Senate Bill 1521.

PRESIDENT:

All right. Senator Netsch having voted on the prevailing side has moved to reconsider the vote by which Amendment No. 1 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The motion is reconsidered. Senator Netsch now moves to Table Amendment No. 1. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The amendment is Tabled. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Netsch.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 2 does a number of things to make revisions in the provisions of the Illinois Homeowners Emergency Assistance Act. I will just briefly tick off those things. I have distributed the amendment and also a summary of what it does and those things can be looked at and addressed when the bill is called for final passage also. First of all, there was objection to the stay that was incorporated. We have totally eliminated the basic stay of any foreclosure actions under the bill; and, in addition, we

have provided that no stay becomes effective until the mortgagor has actually met with the credit counseling person so that all of the stay periods for general mortgagors are eliminated and it is limited to that particular set of circumstances which is a fairly narrow one. Secondly, it was suggested that the program was too open-ended. We have considerably tightened up the eligibility and made it clear that the bill is designed for those whose employment condition has changed, and parenthetically I would say, primarily of course as a result of the recent recession and we have made that a principal requirement for eligibility. We have further narrowed it by requiring that there be a fifteen percent equity held by the mortgagor prior to the time that he can seek assistance under the bill. We have also required that...or I...I...yeah, we've required that the lien of the department be recorded, that was a point that was raised during the course of the hearing. We have also, and...and this is a fairly tough provision but we have done it to try to meet some of the arguments, we have provided that anyone who comes into the assistance program and then might at some...excuse me, subsequent point be unable to continue the payments, that that person waives their statutory redemption period for the full three years for which the program is permitted to continue. And finally, instead of providing a special lottery, which the lottery superintendent objected to, we have...simply borrowing five million dollars from the Lottery Fund in the same form...exactly the same form as was done with respect to the Chrysler loan. Those are the major changes as reflected in the amendment. I would move the adoption of Amendment No. 2 to Senate Bill 1521.

PRESIDENT:

All right. Senator Netsch has moved the adoption of Amendment No. 2 to Senate Bill 1521. Discussion? Senator DeAngelis.

AB 1179
Recalled

SENATOR DeANGELIS:

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

PRESIDENT:

Indicates she'll yield, Senator DeAngelis. Senator Netsch, question.

SENATOR DeANGELIS:

Senator Netsch, to the best of your ability, do you feel that this will enhance, discourage, or remain constant the ability to sell mortgages in the secondary market...after amended?

PRESIDENT:

...Senator Netsch.

SENATOR NETSCH:

I think probably your point is...might be more appropriate for final passage stage, but I think I can answer it in terms of the things that are incorporated in the amendment. There is no question in my mind that with the amendments that are now reflected in this bill there will be no impact on the secondary market.

PRESIDENT:

All right. Senator Netsch has moved the adoption of Amendment No. 2 to Senate Bill 1521. Any...further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. If you'll look at the list of recalls you now have, this is the up-dated list with the additions. It begins with 1179. Senator Lemke, are you ready on 1179? On the Order of Senate Bills 3rd Reading, top of page 6, is Senate Bill 1179. Senator Lemke 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 Senate Bills 2nd Reading, Senate Bill 1179, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this amendment...what this amendment does is creates a new Parentage Act. It deletes the...Paternity Act and Blood Test Acts and sets up a procedure which has been working for the last year between the Department of Public Aid and the Women's Bar Association, my staff, Senator Geo-Karis' staff, and I ask for its adoption.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Well, this sets up the procedures and the blood test situation in regards to the Statute of Limitations in regards to the Paternity Act to remove the objections that were raised by the court and also gives the state's attorney some authority to enforce the collection of past due money owed for the support of the child. It's an amendment that is probably, if you want me to read it all, would be about five pages. We can start, the amendment repeals the Paternity Act, the Blood Test Act. The amendment was drafted by representatives of the state's attorneys offices in conjunction to the joint project of Senator Rock and Senator Newhouse had...at...in Illinois. The current Statute sets forth a two-year limit...Statute of Limitations on paternity suits. It was held unconstitutional and therefore it sets up a two year Statute of Limitations in conjunction with that; it means two years after the child reaches majority, but the two-year Statute still applies to the mother to file within

two years but the child can file within two years after they reach the...their majority. The portion...the amendment also deals with the mechanics of child support enforcement, income withholding from child support payments as was put in Senate Bill 1333 which was passed. The attorney...in some cases the Attorney General would administer the Act, some cases the state's attorney depending on the size of the county. It also sets up the procedures for the blood test and the chromosome tests in regards to this matter. Requires clerks to designate forms under the Act. What else do we do? We also decriminalize the admission that the man makes in regards if he's the father, it decriminalizes that thing. They feel that by decriminalizing...more fathers will admit to the illegitimate child and therefore will cut down on the backlog in the courts. I think it's a good amendment and I,...you know, somebody comes forth and wants to be...say he's the father of the child and wants to support that child, I don't think we should put a criminal penalty on him to do it 'cause therefore nobody will come forth to admit it, and it'll save the expense of the...trial. It also sets up the judicial pretrial evaluation and recommendations for settlements. It sets up the...where there's a settlement to protect the child's rights so the mother can't sell the child's rights out from under them without the protection of a court order. And it also permits, as it does now, a trial by jury which the original bill did not do. I think it's a...a good amendment and...the next amendment will take out the objections that the Public Aid Department had. I ask for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 2. Discussion?
Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

He indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Lenke, is the boys-will-be-boys provision still in here?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

That...that provision never was in there.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Is it in this amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

No, this amendment was drafted by the Womans Bar Association with not that provision in.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis, further questions? Senator Fawell?

SENATOR FAWELL:

...question of the sponsor. Senator, is the...the...the blood test still in there so that it is mandatory that the...the gentleman take a blood test or otherwise he's got a problem?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

What we're doing is incorporating the Blood Test Act together in the Parentage Act so the blood test provisions are in here.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

And...and...and the...the right of the suit...to bring suit is two years after the child reaches majority or by the mother two years after the child is born. Is that...is that what we ended up with?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

Yeah, that's still in here.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, on the adoption of Amendment No. 2. Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke is recognized.

SENATOR LEMKE:

What Amendment No. 3 does this is a amendment drafted by the Department of Public Aid to cleanup their objections they had to Amendment No. 2. Most of the changes are technical and...and make changes and...and the Department of Public Aid assures me that it makes the bill administer by them more effectively. I think it's a good amendment. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is on the adoption of Amendment No. 3. Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senator Philip on 1612. Senator Philip

asks leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 3 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip is recognized.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 3, the technical change...when we put on Amendment No. 2, it included Sterling and Elgin, the civic centers but it left out a front door referendum. This amendment puts on the front door referendum. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 3. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

Amendment No. 4, by Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip is recognized.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 4 is a request from various members. It creates some new civic center authorities. It also has a front door referendum from all of them; it's Collinsville, Niles Township, Schaumburg, Quad-Cities and Pekin. I move the adoption of Amendment No. 4.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 4. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY:

No...no further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1625, Senator Maitland asks...no. Senator Philip on 1733. Senator Philip asks leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 is the complete bill. This is the...creates the FAP-431, a tollway through the middle of DuPage County. Senator Rock has had this amendment, his staff has had this amendment. I think we have come to some kind of agreement. Basically what it does is that it is...refinances the existing bonds in the same time frame. It would end up creating two additional tolls on FAP-431, if it would pass. I might say this, that we are the second largest county in the State of Illinois, also the fastest growing county in the midwest. I'd like to be able to stand up here and say we don't need another road or another tollway but that just simply is not true. It is needed and necessary. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is on Amendment No. 1. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1749, Senator Becker. Senator Becker asks leave...Senator Hall, you are the sponsor of that bill. You

ask leave of the Senate to return to the Order of 2nd Reading? Leave is granted. Senator Becker with an amendment.

SECRETARY:

...Amendment No. 1 offered by Senator Becker.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Becker.

SENATOR BECKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 will consolidate Senate Bill 1931, the pay increase for the cabinet members, into Senate Bill 1749. By consolidating with this amendment we will be voting then on the general increase for the General Assembly and for the members of the cabinet at the same time. I'm sure this will please the members sitting in the press box because we will be then doing it up-front and not after the November election. Many of you, as well as myself, have read recently of the press releases favoring an increase for the cabinet members and for the members of the General Assembly. And if it doesn't happen, I'm sure we will be losing many, many more members of this General Assembly as well as members of the cabinet. And I want to say to the members in the press box, if they're listening, one of the reasons why I'm leaving this General Assembly in December of this year, I find it impossible after six years in this General Assembly, having just completed paying six years of college for my daughter at ten thousand dollars a year, to try to keep a home back in Cicero, support a family there, live down here, try to live on thirty-six dollars a day and I find it an impossibility. So please do me a favor and print anything you so desire. I'm proud...to put this amendment before this General Assembly and I move for this adoption.

Page 204 - MAY 23, 1984

END OF REEL

*SB 1876
Recalled*

REEL #6

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Amendment No. 1. Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1876. Senator Weaver asks leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary, please?

SECRETARY:

Amendment No. 2 offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This amendment defines and outlines in further detail the relationship between the Department of Central Management and Children and Family Services. The Department of Mental Health and the Department of Rehabilitative Services operate direct in-patient cares in these locations and so it helps clarify their ability to operate in these buildings, and I'd move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 2. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senators Bloom and Vadalabene.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Bloom is recognized on Amendment No. 3, and may we have some order, please.

SENATOR BLOOM:

Thank you, very much, Mr. President and fellow Senators.

PRESIDING OFFICER: (SENATOR BRUCE)

We're about to conclude the business here. Senator Bloom.

SENATOR BLOOM:

The amendment deals with long-term State leases and modifies Public Act 83942, we passed last year, dealing with the long-term lease of the correctional facility at Galesburg. It makes it possible for the city to issue bonds and construct the facility and lease it to the State. It also authorizes the State to enter into a long-term lease for a facility at Collinsville to be used by transportation and law enforcement and a facility in Dixon to serve as a mental health facility. The leases are subject to termination and cancellation if the General Assembly fails to appropriate the monies necessary. Try and answer any questions; otherwise, have it adopted.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 3. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1889. Senator Berman asks leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary, please?

SECRETARY:

Amendment No. 4 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman is recognized.

SENATOR BERMAN:

Thank you, Mr. President. This morning, on this Compensation Review Board bill, we put...put in one part of the bill a sixty-day time frame for the report by the commission. There was another line that should have also been changed, that's what this amendment does. I move the adoption of Amendment No. 4.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 4. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1933. Senator Lemke asks leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke is recognized.

SENATOR LEMKE:

What Amendment No. 2 does is it...that's LRB830904901?

SECRETARY:

No, it's LRB8309049SJDVAM01.

SENATOR LEMKE:

Okay, that's the first amendment. Okay, what this amendment does is amends the bill. Changes the...on page 1, line 20, deletes the one...one percent and...and makes it .01 percent. On page 2, it changes the date from March 1st to March 15th. On page 3, line 15, it deletes the eighty percent and changes it to seventy-five percent, and then it adds the

AB 1935
Recalled

Chapter 1, a new paragraph, allowing the Ethnic Heritage Commission to...to accept private sources for individual funding and sets two funds up under the Act. I think it's a good amendment. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 2. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Are there further amendments?

SECRETARY:

Amendment No. 3, by Senator D'Arco and Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Lemke to explain the D'Arco-Lemke amendment.

SENATOR LEMKE:

What it...Amendment No. 3 does, it deletes all of Sections 3 and 4 and inserts there...thereof the follow section and adding the Act in relation to State finances, adds the Ethnic Heritage Commission Fund. Think it's a good amendment. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 3. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senator Marovitz asks leave of the Senate to return Senate Bill 1935 to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary, please?

SECRETARY:

Amendment No. 7 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz is recognized.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 7 is one that was suggested by the Illinois Health Care Association and agreed to and it guarantees...a reimbursement schedule for nursing homes, and I would ask for the...adoption of Amendment No. 7 to Senate Bill 1935.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 7. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 7 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1941. Senator Holmberg asks leave of the Senate to return the bill to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 3 offered by Senator Holmberg.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Holmberg is recognized.

SENATOR HOLMBERG:

Amendment No. 3 to the hazardous waste siting bill represents a compromise worked out with industry representatives. The only change made is to delete the seventh criteria which would have mandated that county boards must consider the affect on ground water in their siting decision, and in its place is inserted into the EPA's permitting authority to require that the agency provide a copy of the applicant's hydrological study to the geological and water surveys and request their assessment and comments. The surveys will comment upon the proposed facility's impact upon usable ground water resources and will also determine what consti-

tutes a significant usable ground water resource after establishing Statewide criteria for such a determination. Also the EPA will consider the survey's comments in the issuance of the facility's development permit.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 3 to Senate Bill 1941. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1944. Senator...Rock asks leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary, please?

SECRETARY:

Amendment No. 3 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock on Amendment No. 3.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is another cleanup amendment. It takes out the last of the 704 Placarding requirements and it adds language that's...specifically that training must be provided in the current placarding system. I know of no objection. I move the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 3. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1954. Senator Rock asks leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there...amendments, Mr. Secretary, please?

SECRETARY:

Amendment No. 2 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock is recognized.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 makes some minor changes in the language to ensure the fact that the Department of Energy and Natural Resources...the study that they are mandated to do shall include consideration of previous studies on the topic. It seems almost redundant, but I think it's...department has no objection. I move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 2. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. That completes the recall list. Senator Rock.

SENATOR ROCK:

Yes, thank you. I would...I do appreciate the amount of work...we are still attempting to, hopefully, get our work completed by tomorrow night. If that's not possible, we'll obviously be here on Friday...Friday being the Senate rule deadline. Rules Committee will meet instead of tomorrow morning, so that we can get an early start, Rules Committee will meet immediately after adjournment tomorrow, and I'd suggest that we start the Session promptly tomorrow morning

at nine-thirty and would move that we adjourn until that time without further...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland, is your amendment up now on the recall list? Has it arrived? All right, then we'll have...all right, we'll just have to hold it then till tomorrow. All right, Senator Philip, you had an announcement?

SENATOR PHILIP:

Yes, I do, Mr. President. First of all, the Department of Conservation, as you know, has had a cocktail party on the Governor's lawn...the Mansion from four-thirty until six. It's probably still running and, as you know, the Department of Conservation has their picnic out at the County Fair Grounds starting at seven and would hope that everybody would attend...also, believe it or not, we have a distinguished member on my side that has a birthday. It's Senator Weaver's birthday. He's thirty-nine once again. He's the only undertaker we have on our side of the aisle. He tells me if you will drive up to Urbana and die in his funeral home, that he'll give it to you twenty-five dollars cheaper, and I think that's a hell of a deal. Happy birthday, Senator Weaver.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions.

SECRETARY:

Senate Resolution 644 offered by Senator Buzbee and all Senators, congratulatory.

Senate Resolution 645 offered by Senator Rock and all Senators, congratulatory.

Senate Joint Resolution 116 offered by Senator Donahue and all Senators, and it's congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar. For what purpose Senator Hall arise?

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen. I'd like for the record to show that Senator Chew is absent today and tomorrow because of oral surgery.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator...Senator Marovitz.

SENATOR MAROVITZ:

It's kind of tough to follow that one, boy. I would move to suspend the appropriate posting rule so that the Committee on Government Reorganization could meet at nine o'clock tomorrow morning in Room 212 for consideration of the report on Executive Order 2. It will take no more than fifteen minutes, and I would move that the appropriate rule be suspended. I've checked with both sides of the aisle.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to suspend the rule as to posting so that...the Committee on Governmental Reorganization might meet tomorrow morning at nine o'clock. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The rules are suspended and there will be a meeting at 9:00 a.m. tomorrow morning in Room 212. Senator Hall.

SENATOR HALL:

Yes, of course, I'm sure that the record is still showing that Senator Dawson is absent because of illness.

PRESIDING OFFICER: (SENATOR BRUCE)

The Journal...all right,...all right, thank you, Senator Hall. That will be journalized as a continuing illness of Senator Dawson. Any further business to come before the Senate? Senator Bock has moved the Senate stand adjourned until the hour of nine tomorrow morning. On...nine-thirty...nine-thirty. Those in favor of the motion say Aye. Those opposed Nay. The Ayes have it. The Senate stands adjourned until nine-thirty tomorrow morning.