

94TH GENERAL ASSEMBLY

REGULAR SESSION

MAY 16, 1985

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 Charles Kyle, St. Francis Xavier Church, Chicago, Illinois. Father.

REVEREND KYLE:

(Prayer given by Reverend Kyle)

PRESIDENT:

Thank you, Father. Reading of the Journal. Senator Rupp.

SENATOR RUPP:

Mr. President, I move that reading and approval of the Journals of Tuesday, May 7th; Wednesday, May 8th; Thursday, May 9th; Tuesday, May 14th and Wednesday, May 15th, in the year 1985, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

SECRETARY:

A 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 the concurrence of the Senate, to-wit:

House Bills 301, 302...303, 304, 305, 306, 307, 437, 864 and 873.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 230 and 231 offered by Senator Lenke and they are congratulatory.

PRESIDENT:

Consent Calendar. With leave of the Body, we'll move to page 67 on the Calendar, on the Order of House Bills 1st Reading, Mr. Secretary.

SECRETARY:

House Bill 37, Senator Rigney is the Senate sponsor.

(Secretary reads title of bill)

House Bill 195, Senator Carroll.

(Secretary reads title of bill)

House Bill 197, Senator Lemke.

(Secretary reads title of bill)

House Bill 204, Senator Lemke.

(Secretary reads title of bill)

House Bill 210, Senator Hall.

(Secretary reads title of bill)

House Bill 241, Senator Zito and Carroll.

(Secretary reads title of bill)

House Bill 338, Senator Kelly.

(Secretary reads title of bill)

House Bill 421, Senator Lemke.

(Secretary reads title of bill)

House Bill 422, Senator Lemke.

(Secretary reads title of bill)

House Bill 538, Senator Berman.

(Secretary reads title of bill)

House Bill 714, Senator Savickas.

(Secretary reads title of bill)

House Bill 733.

(Secretary reads title of bill)

House Bill 778, Senator Berman.

(Secretary reads title of bill)

House Bill 1488, Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1585, Senators Poshard, O'Daniel and Demuzio.

(Secretary reads title of bill)

House Bill 1654, Senator Netsch.

(Secretary reads title of bill)

House Bill 1655, Senator Netsch.

(Secretary reads title of bill)

House Bill 1966, Senators Schuneman and Vadalabene.

(Secretary reads title of bill)

House Bill 2113, Senators Karpziel and Philip.

(Secretary reads title of bill)

House Bill 2129, Senator Davidson.

(Secretary reads title of bill)

House Bill 2189, Senators Luft and Davidson.

(Secretary reads title of bill)

1st reading of the foregone bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we'll go to the...the Order of Recalls. There are several bills that need to be recalled. A printed copy has been distributed to all of the members. We'll begin at the top of the list and go right on through. Senator Marovitz on the Floor? Senator Marovitz on the Floor? All right. Senate Bill 199, Senator Newhouse. Do you wish to have that bill returned? Senator...Newhouse requests leave of the Body to have Senate Bill 199 returned to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 199, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. This Amendment No. 1 to Senate Bill 199 corrects inconsistent punctuation

brought to our attention by Senate Enrolling and Engrossing and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse moves the adoption of Amendment No. 1 to Senate Bill 199. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 200, Senator Newhouse. Do you wish to have that...bill recalled? Senator Newhouse seeks leave of the Body to return Senate Bill 200 from...from the Order of 3rd Reading to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 200, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. This is also a punctuation change amendment...and I just move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse moves the adoption of Amendment No. 1 to Senate Bill 200. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 445...wait a minute. Senate Bill 201, Senator Sangmeister. Senator Sangmeister on the

Floor? Senator Marovitz, are you prepared to embark on Senate Bill 54? All right. Senate Bill 54, the very first one on the recall sheet. Senator Marovitz indicates he is ready. Mr. Secretary, Senate Bill 54 is on the Order of 3rd Reading. Senator Marovitz seeks leave of the Body to return that to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 54. Senator Marovitz. Oh, Mr. Secretary.

SECRETARY:

Amendment No. 2 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. 2 is a clarifying amendment which clarifies some language that was put in the improper place in Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz moves the adoption of Amendment...Amendment No. 2 to Senate Bill 54. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senator Sangmeister on the Floor? Senate Bill 445, Senator Davidson. Senator Davidson seeks leave of the Body to return Senate Bill 445 from the...from the Order of 3rd Reading to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 445, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this amendment is to put into the continuing education requirement the recognition for those requirements which a person under the Medical Practice Act must maintain to be a board certified specialist or to maintain their hospital privileges so that there would not be a requirement put in doubling the amount of hours, there would be recognition for those hours. I move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson moves the adoption of Amendment No. 1 to Senate Bill 445. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 559. Senator Weaver seeks leave of the Body to return Senate Bill 559 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 559, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This amendment provides that the Illinois Board of Higher Education must approve leases of over five years and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver moves the adoption of Amendment No. 1 to Senate Bill 559. Any discussion? Senator Welch.

SENATOR WELCH:

Yes, I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

What's the current provision in the law for reviewing a lease and leases, Senator Weaver? Is there a review by the Board of Higher Ed., and if so, after how many years?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

I have difficulty hearing, but I don't think there are any. This is a bill that provides for leases of up to seventeen years for all of higher education. This merely states that the Board of Higher...Education must be notified and approve those leases exceeding five years. It's just kind of an oversight by the Board of Higher Education on higher education leases.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, the current limit you're saying then is...is five years and you're extending it to seventeen with this bill. And with the current five-year leases there is no review by the Board of Higher Education? Did they ask for this particular review authority?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Yes, they did and I think it's a good idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

SB 651  
Re called

Further discussion? If not, Senator Weaver has moved the adoption of...Amendment No. 2 to Senate Bill 559. Those in favor will 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 DEMUZIO)

3rd reading. Senate Bill 651. Senator Barkhausen seeks leave of the Body to return Senate Bill 651 to the Order of...2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Senate Bill 651, on the Order of 2nd Reading, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment No. 3 is offered at the suggestion of LRB which in turn took their suggestion from Enrolling and Engrossing. It picked up a technical problem with the bill that this Amendment No. 3 seeks to correct and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen moves the adoption of Amendment No. 3 to Senate Bill 651. 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 659, Senator Netsch. Senator Netsch seeks leave of the...of the Body to return Senate Bill 659 to the Order of 2nd Reading for the purpose of an amend-



ment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 658, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The amendment adds into one sentence two words that clarify its meaning. This has to do with the permit fee for air pollution and it makes it clear that the board may not prescribe permit fees which are different, and the two words added are, "in amount" from those established under the Act. It is essentially a clarification amendment and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch has moved the adoption of Amendment No. 2 to Senate Bill 658. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 680, Senator Netsch. Senator Netsch seeks leave of the Body to return Senate Bill 680 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 680, Mr. Secretary, read the bill.

SECRETARY:

...Amendment No. 1 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you...thank you, Mr. President. This is an Enrolling and Engrossing error that was caught, the word "it's" should be "it," i-t, of momentous importance. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch moves the adoption of Amendment No. 1 to Senate Bill 680. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 690, Senator Macdonald...seeks leave of the Senate to return Senate Bill 690 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 690, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Yes, this bill merely extends to a hundred and twenty days instead of ninety days the period for returning...refunds on your income tax. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald moves the adoption of Amendment No. 1 to Senate Bill 690. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 693. Senator Geo-Karis seeks

leave of the Body to return Senate Bill 693 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 693, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this amendment was arrived from a meeting with Dean Sears from the Illinois Farm Bureau, Dick Davidson, Department of Agriculture, Carolyn Cooley from the Department of Agriculture, Senator Coffey. This amendment is done with their consent and it retains...the current statutory language...and it adds clarifying language on the liability of an animal owner if the animal runs at large and causes damage, defines livestock and allows for impoundment of loose livestock by law enforcement and requires the animal owner fixes enclosure, and...requires notice of impoundment to the owner, et cetera. And I move the passage of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Geo-Karis moves the adoption of Amendment No. 2 to Senate Bill 693. Is there any discussion? Any discussion? If not, those...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 DEMUZIO)

3rd reading. Senate Bill 714. Senator D'Arco seeks leave of the Body to return Senate Bill 714 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd

AB 760  
Recall

Reading is Senate Bill 714, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This amendment has been requested by the Department of Insurance as a technical clarification of what is intended by the bill. And I would move to adopt Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco moves the adoption of Amendment No. 1 to Senate Bill 714. Any discussion? If not, those in favor signify by say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any...any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 742, we don't have the amendments...on the order...760, Senator Marovitz. Senator Marovitz seeks leave of the Body to return Senate Bill 760 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 760, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. Amendment No. 1 to Senate Bill 760 is an effective date amendment only. As promised in committee, it makes the effective date January 1, 1987. I would ask for the adoption of Amendment No. 1 to Senate Bill 760.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Marovitz moves the adoption of Amendment No. 1 to Senate Bill 760. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. With leave of the Body, Senator Sangmeister is on the Floor now, Senate Bill 201. Senator Sangmeister requests leave of the Body to return Senate Bill 201 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 201, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I offered the amendment because Senator Sangmeister wasn't on the Floor as yet. I will defer to the chief sponsor, Senator Sangmeister.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you. It's my understanding the way this amendment has now been drafted that we must Table the...I don't know whether it was Floor Amendment No. 1 or Committee Amendment No. 1, I believe it was committee amendment, because it now encompasses that in this amendment. So we move to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Sangmeister moves to Table Amendment No. 1 to Senate Bill 201. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Further amendments? All right, Senator Sangmeister.

SENATOR SANGMEISTER:

I guess I've been given the okay to go ahead here. Amendment No. 2 encompasses all of...well, of the Committee Amendment No. 1, and in addition to that, there was...some concern about making sure that firearms could be possessed on school property where they are used for school training purposes, parades, target shooting and that kind of thing, and it does not materially affect...we did not intend in any respect to prevent those kind of activities with a gun on school premises, and it just clarifies it and also takes care of the Rifle's Association concern. So I'd move the adoption of Amendment No. 2 to Senate Bill 201.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Sangmeister, for the record, before we...we handle this amendment, procedurally Senator Sangmeister moves to reconsider the vote, having voted on the prevailing side, by which Amendment No. 1 was adopted. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Sangmeister now moves to Table Amendment No. 1 to Senate Bill 201. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Senator Sangmeister now moves the adoption of...of Amendment No. 2 to Senate Bill 201. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right. With leave, we'll return to

785, Senator Fawell. Senator Fawell seeks leave of the Body to return Senate Bill 785 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 785, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This is basically a...technical amendment. It just exempts the airlines so the stewardesses don't have to be fingerprinted for serving liquor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell moves the adoption of Amendment No. 1 to Senate Bill 785. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 873. Senator Schaffer seeks leave of the Body to return Senate Bill 873 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 873, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Schaffer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAPPER:

We put Amendment No. 1 on at the request of the Department of Conservation. Our staffs looked that over and, frankly, the language was a little clumsy, didn't track as

well as it should of, and Amendment No. 2 merely cleans up Amendment No. 1 and puts the bill in shape.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer moves the adoption of Amendment No. 2 to Senate Bill 873. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 974. Senator Lemke seeks leave of the Body to...return Senate Bill 974 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 974, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 974 with Amendment No. 2 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment...Amendment No. 2 would allow members to transfer credit into the General Assembly Retirement System from other pension systems, and this would...this window would be open between January 1 and February 1 of 1986. Move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman moves the adoption of Amendment No. 2 to Senate Bill 974. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)



3rd reading. Senate Bill 1010, Senator Carroll. Senator Carroll on the Floor? Senate Bill 1129, Senator Newhouse. Senator Newhouse seeks leave of the Body to return Senate Bill 1129 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1129, Mr. Secretary.

SECRETARY:

(Machine cutoff)...No. 2 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

...I...refer to Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Amendment No. 2 clears up a constitutional question and it...it does so by eliminating the...appointing power of the Senate President and of the Speaker of the House so that the appointments will be made by the Governor now instead of the cooperation between the two. However, there will be Senate confirmation of the appointments. That is the amendment and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Hall. Senator Hall moves...the adoption of Amendment No. 2 to Senate Bill 1129. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1350. Senator Carroll seek...with leave of the Body, is there leave to have Senator Rock handle...Senate Bill 1350? Leave is granted. On the

Order of Senate Bills 3rd Reading is Senate Bill 1350. Senator Rock seeks leave of the Body to return 1350 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1350, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, with leave of the Body, we'll let Senator Rock move the amendment. Is leave granted? Leave is granted. Senator Rock.

SENATOR ROCK:

Yes, Senator Carroll and I are cosponsors of this amendment as we are cosponsors of the bill. Amendment No. 1 to Senate Bill 1350, which is the substantial recodification of the Savings and Loan Act would delete any reference to other insurers as approved by the Illinois Department of Insurance. Currently, a savings and loan institution can, in fact, apply to the department to the commissioner to have some other insurance for deposits other than the FSLIC. The fact of the matter is they have not in any event ever approved any other insurer. All we are doing by Amendment No. 1 is...is...precluding that opportunity. We are just saying it has to be FSLIC. I know of no objection, I move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock has moved the adoption of Amendment No. 1 to Senate Bill 1350. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senator Lenke, for what purpose do you

arise?

SENATOR LEMKE:

Just a point of order. I think that...you know, we have an Agreed Bill List and certain members have bills on the Agreed Bill List but the members never receive notice of the individuals that are taking off the names off the Agreed Bill List. And I think it would be a common courtesy that these five individuals should present that motion to the sponsor of the bill too besides the Secretary of the Senate. I mean, it'd be nice for us to know who it is so we can reciprocate to them. I think it's a common courtesy that we should sit down and negotiate and see what can be done, because we are not happy in the Polish community, and I will assure you that repercussions will come for that reason.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Carroll seeks leave of the...on Senate Bills...on the recall list there is Senate Bill 1010. With leave of the Body, we'll go to that order of business. Leave is granted. On the order...Senate Bill 1010, Senator Carroll seeks leave of the Body to return Senate Bill 1010 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1010, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 was brought to our attention by the Reference Bureau and our own Enrolling and Engrossing to add the word "of." It is a technical amendment, it was a typographical error and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll moves the adoption of Amendment No. 1 to Senate Bill 1010. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate, if I can have the attention of the membership, we'll give you an idea of what the schedule is going to be. We will commence virtually immediately on Senate bills 3rd reading where we left off yesterday, which was Senate Bill 873, and proceed through the balance of the Calendar on 3rd reading at which time we will then go back and start over on 2nd reading, having been through the 3rd reading Calendar one time fully this week. At about twelve-fifteen, I have discussed with Senator Philip, to afford the members an opportunity to...either go to church or grab a bite of lunch or both, at about twelve-fifteen we will begin reading the Agreed Bill List. The Secretary indicates that it will take approximately an hour to an hour and ten minutes to read the list in its entirety into the record, and so we will then literally have some free time to grab a bite of lunch and be back here at one-thirty at which time we will vote on the Agreed Bill List and carry on through the balance of the Calendar, with the idea that we will conclude our business this evening at roughly five or five-thirty only to start again tomorrow morning at ten and attempt to conclude our business by one-thirty tomorrow afternoon to afford everybody a chance to get back to their district. You want to start at

nine on...on Friday? That's all right with me. I was...I was here at ten this morning and I was alone.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body...

SENATOR ROCK:

All right. Nine...nine o'clock tomorrow morning, once we ever...if we ever get there, I'll see how many show up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...leave of the Body, we'll...we'll go to the...the Order of Senate Bills 3rd Reading, page 28, we left off with Senate Bill 873, that was on the recall list this morning. So, we'll go to 882, Senator Degnan. Senate bills 3rd reading is Senate Bill 882, Mr. Secretary, read the bill. Senator Savickas.

SECRETARY:

Senate Bill 882.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 882 creates the...Expedited Check Clearing Act and the intent of the bill is to make available to depositors funds in a checking account within a reasonable time following deposit involving a check. Basically the bill says, a check must be credited and available to you one day after deposit if the check is drawn on that financial institution, is on a Federal Government or Illinois Government check or is for an amount less than fifty dollars. The amount must be credited within three days if the check is drawn on any financial institution within the State, and the amount must be credited within five days when the check is drawn...I'm sorry, within eight days when a check is drawn anywhere else. I'd be happy to accept

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any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall Senate Bill 882 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 882 having received the required constitutional majority is declared passed. 883, Senator Holmberg. On the Order of Senate Bills 3rd Reading is Senate Bill 883, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 883.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 883 provides that public schools may provide instruction in parenting education. I think it's important for the Body to realize that in this year when we are doing so many things in education that with this bill we are not adding a mandate. This is permissive, it permits school districts in regularly taught programs to teach parenting education between the grades of six through twelve, and they may also provide evening programs to young parents who wish to take advantage of parenting education. I think the Chicago Tribune has brought out very effectively in their series, "Breaking the Chain," how critical it is that we reach parents of young children at a very, very young age. We have the ability to change the next generation...it's cost-effective, prevention is the answer, as parents are able to best reach their children between birth and eighteen months of age. We are adding all

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kinds of safeguards in the things that we must later do in the way of remediation. The actual ability to learn how to learn is taught at a very early age. I recommend the passage of this bill. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 883 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...or 1 voting Present. Senate bill 883 having received the constitutional majority is declared passed. Senate Bill 887, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 887.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this does...this bill does is permits injunctive relief for the father of an unborn child whose wife seeks an abortion. It opens up...what it does is gives the right to the father; if he can prove his rights are more substantial than the mother's rights, he can...he can get an injunction. It puts the system in the court where it should be and I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you...Mr. President, will the....

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

It's been a long day...if the woman's life is in danger or if the doctor says that...that this should be done, does this...does the father still have the right to say I want this injunction anyway?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

He has to...he has to show that his rights are greater than the...the person seeking the abortion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR LEMKE:

...that situation I would say, no, but he would just be given that right, it would be up to the court to decide whether to enjoin it or not. This is where it should be.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Will the...have you got some provision in there that the court must take this up immediately because if...if not it becomes sort of a moot question. You know, if the woman has to wait, say a month or two, at that point it might be more dangerous for her to have the abortion than it is for...for the abortion to take place.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

My understanding in talking to the Supreme Court that they have emergency injunctive proceedings which they do for blood transfusions and such, and this would just be along those lines and I think the mechanism is there for this to be accomplished.

PRESIDING OFFICER: (SENATOR SAVICKAS)



Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I voted for this bill in committee without realizing that if a father wants...if the husband wants to have a vasectomy performed he does not have to ask his wife. And I wonder if the sponsor would pull the bill out of the record and put an amendment on it to make the same provision apply to the wife so that if she doesn't want him to have a vasectomy he should not...that she should have a right to speak about it and be considered before he has it done.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Senator Geo-Karis, we can get into the realm of vasectomies or tubes being tied and something in regards to prevention of birth. In this incident we're talking about something that is there which I consider a person and medically it's considered a person. It has nothing to do with the injunctive relief. She has that...she has that right now. She can spell that out right now to stop him, very simple. She has a right in...in...in divorce court, if she wants that. This case, we, the father, wants to go in and protect his rights to his son or daughter that may be born, and he's got to prove that his rights are greater than her rights. We are not getting into birth control here; this is not a matter of birth control, this is a matter of life.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I very rarely disagree with the sponsor 'cause I happen to be very fond of him; however, I do feel that the rights should be equal, because I know of wives who say their husbands don't

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3rd Reading

want any children and yet they do, and I know several cases. So, I am forced to speak against a bill on the basis that we should have equal parity...between both men...both wife and husband.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 887 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 38, the Nays are 9, 2 voting Present. Senate Bill 887 having received the constitutional majority is declared passed. Senate Bill 889, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 889.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Last Session we passed a bill in regards to parental notification. What this bill does, it amends an Act in relation to the office of public defenders, requires the public defender when appointed by court to defend persons under the parent...Parental Notice of Abortion Act of 1983. This rightfully is where it belongs and the public defender should represent the minor in her...attempt to...or trial in court to stop the parents from being notified. I think it's a good bill, I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR BARKHAUSEN:

Senator Lenke, I wonder whether there's any precedent for having public defenders represent other than criminals?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LEMKE:

I believe there...there is some precedence in this...in this matter. We're talking about an Act that makes certain offenses and I think that it's rightly so that if we have a public defender it shouldn't be the State's attorney it should be the public defender that should defend or represent this...this minor in her actions. I think it's only proper, it's done in juvenile court, public defenders are used in juvenile court. This...this indirectly is a juvenile court matter concerning juvenile even though it's in an adult court. I...I think it's...there's precedent.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further...Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, to the bill. If there is any merit to this concept whatsoever...and I'm afraid that it's constitutionality both of this concept and also of notice in general, as I understand it, which is already been held to be unconstitutional by a district court and is now on appeal. But if there is any merit to this idea at all, it...it may be that public guardians could be appointed to represent the minor. But the idea of...of suddenly having public defenders, which traditionally only represent those charged with crimes be they adults or be they juveniles, would suddenly have thrust upon them a...sort of a civil responsibility that has been totally foreign to the concept of the office of public defender, I think is completely out of place, and therefore would urge the rejection of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Luft.

SENATOR LUFT:

I have a question, Mr. President, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your question.

SENATOR LUFT:

It is my understanding that a public defender is appointed to defend someone if that person cannot afford to hire a regular attorney. In the case that you're presenting, does that individual have to be declared as one of those people who cannot afford to pay and therefore get a regular attorney and therefore gets the public defender, or can anybody that you're talking about get the public defender?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

In this particular incident, if...you'd have the public defender or...or at least you...you...if the child could afford...her own counsel then she would get counsel, but it's presumable that most children don't have their own finances and would have to go to their parents, so therefore a public defender would be...they would qualify for being represented by a public defender. I...I don't see any problem with that. I don't think...most minors don't have control of their funds.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 889 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 41, the Nays are 10, 3 voting Present. Senate Bill 889 having received the constitutional majority is declared passed. Senate Bill 890, Senator Lemke.

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Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 890.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What we're doing here is...is...is amending the abortion law that we passed in 1975 prohibiting the sale and experimentation upon a fetus produced by fertilization of a human ovum...sperm. We're also putting in here a provision to clear up our intent here that in the intro-vitro fertilization that this law does not apply, and it's perfectly legal under that procedure but not to sell these things for experimenting, being cut up in pieces and so forth. I think it's a good bill and I also think it clears up some of...some of the misunderstanding that was when we originally passed this bill. It was never our intent to...to prohibit experimentation in intro-vitro fertilization. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 890 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 41, the Nays are 7, 3 voting Present. Senate Bill 890 having received the constitutional majority is declared passed. Senate Bill 893, Senator Etheredge. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 893.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill...893 is the result of bipartisan discussions of members of the Revenue Committee and the Illinois Department of Revenue. It makes technical corrections in the State Income Tax Act and also provides...for changes in the income tax penalty. I would be very happy to respond to any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 893 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 57, the Nays are none, none voting Present. Senate Bill 893 having received the constitutional majority is declared passed. Senate Bill 894, Senator Etheredge. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 894.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 894 is similar to the preceding bill in that it is the result of discussions with the Department of Revenue. And what this bill does is to change the provisions that the department implements in regard to the write-off of uncollectible debts. I'd be...very happy to respond to any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 894 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 57, the Nays are none, none voting Present. Senate Bill 894 having received the constitutional majority is declared passed. Senate Bill 899, Senator Schuneman. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 899.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 899 is a bill requested by the State Employees Retirement System and it is simply a recodification of the State Social Security Enabling Act. The recodification simplifies language, clarifies meaning, and reorders the paragraphs in a more logical manner. This is the first complete recodification since the inception of the Act, and the many amendments, additions and deletions have contributed to the current disorganized and sometimes outdated state of the Act. I know of no opposition to the bill. Move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Schuneman...if not, the question is, shall Senate Bill 899 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 57, the Nays are 1, none voting Present. Senate Bill 899 having received the constitutional majority is declared passed. Senate Bill 905, Senator Fawell. Read the bill, Mr. Secretary. For what pur-

pose does Senator Sangmeister arise? Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 905.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. With the amendment I don't really think this is that terrible of a bill. All it does is it...it allows the chief judge in each circuit to have the power to; number one, to tell the public defender whether he can appoint investigators if the county board comes up with the funds. It also tells...allows the chief judge to...to tell those investigators so appointed if they can carry firearms and then they can only carry firearms if they have gone through very extensive training. It also allows these same investigators to have just the power to serve warrants, nothing else, not search and seizure. All the peace officer things have been...deleted. It also allows the State's attorney, who again is an elected official, to appoint investigators for his office if the county board comes up with the funds. It allows the State's attorney investigators to have the same powers as I just enumerated for the public defender investigators. The reason that this bill is in place is because the public defenders have...have said...some of them have had to go into some very dangerous situations where they feel that their life is in peril and...and they need this...this bill for that reason.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Luft.

SENATOR LUFT:

I have a question, please, Mr. President.



PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR LUFT:

Who pays for the training?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

...I'm sure the county board would. It's...it's under that Police Training Act.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

I have another question. I think you said that, if I am correctly, that the court would ask for the county to...to supply the funds for the public defender under this...program?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

That...that actually is what...what happens now. It's put...the circuit...chief circuit judge is the one who appoints the public defender. The public defender's office is directly underneath the chief...circuit judge and it's in his budget.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

It's in the circuit judge's budget?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

It...it must be...the public defender budget's must be approved by the full circuit...by the...by the circuit judges because that particular office is not an elected office, it's

under direct...it's directly underneath the chief circuit judge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR DUDYCZ:

Senator, do...does the public defender's office have investigators currently?

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Fawell.

SENATOR FAWELL:

Beg pardon? I...I didn't hear the question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Does the public defender's office have investigators currently?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Investigator's permits?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Currently. Does...do they have investigators currently?

SENATOR FAWELL:

Oh, some of them do, not all of them. They do in Cook and they do in DuPage and they do in some of the more urban areas in some of the ones down in southern Illinois. In some of the other counties, I understand they do not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

How...how do they...perform their duties now without being armed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Very cautiously.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCYZ:

...when I was working Cabrini Green for two years, whenever we had process servers or anybody from the public defender's office come by they would request and receive an escort service by the local police officers. Couldn't this just continue rather than arm additional investigators?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

If...if indeed, Cook County handles it that way, that's fine. It is not handled, unfortunately, that way in my county. The police departments do not have the personnel to go out with the public defenders nor are they so inclined, and it's a great deal more costly that way.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCYZ:

Wouldn't it make more sense to hire more police officers rather than investigators for that particular office?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

It...it would just cost more. I mean, the only way these men are going to be allowed whatsoever to have those weapons is they've got to have the exact same kind of training that you would have had as a police officer. I mean...you

know...and then the chief judge has to allow them, has to screen them and say, you know, you are capable of carrying a weapon and...and you're a little crazy and I'm not going to let you carry one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDY CZ:

Well, what you're saying is that you...you want the public defender to have the...specific police force of their own but you do not want the police officers to have additional police officers. If they are going to be performing the same type of activities...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

The only thing they will be able to do under the bill as amended is to just serve warrants, that's all. They are not going to have the power to arrest, they're not going to have all the other powers that a police officer has. Power to give...serve a warrant and the power, if necessary, and if approved by the chief judge to...to carry a gun, that's...that's it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDY CZ:

Well if they don't have the power to arrest, they shouldn't have weapons...if they...if they...if they have the power...if they want to carry weapons, they should be police officers, period. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR ZITO:

Senator, I'm...I'm sorry, I missed part of the debate. Did you say that there was a provision in this bill whereby the...warrant servers when they were off duty, what...what is the stipulation with people that are off-duty hours, can they still carry a...a weapon?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

No...no, it's only while in the...in the pursuit of the duties connected with their office.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Was that addressed by amendment? Was that...thank you. I have no further questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Chew.

SENATOR CHEW:

Mr. President, those persons in this State that are allowed to carry firearms supposed to go through extensive training and then they're on probation for a period of time before they're permitted to become full-time peace officers. Under this bill, as I understand it, this bill empowers State's attorneys to...and to appoint investigators, and these investigators would be eligible to carry firearms and it also does the same thing for public defenders. The first thing I'd like to know is, who in the world wants this bill? And this deletes the power of the sheriffs in...in these counties where this would be permitted, and to delete the power of the oldest law enforcing officers that we are aware of, I believe the...it originated in England, the sheriffs, I

just don't think the bill is of any...any substance and I don't think it should pass. Why would you delete the power and the authority of people that we elect? The sheriff must be elected and then he in turn deputizes people and these people must go on extensive training. The...the sheriffs of the counties will, in fact, escort officers, State's attorneys and of course public defendants if they must go into areas where there is an inherit danger. So I think if we leave this like it is, it...it would be alright. They...they delegate...they defeated bills to give arson investigators the right as peace officers, that bill was defeated. We don't want to get into an area where everybody who works for any agency would have the right to...to bear arms, because right now we're...we're undergoing an extensive investigation even on security guards as to what their past records have been, it's on one of our major networks now, and I think we just ought not pass this, Mr. President, because it sets a bad precedent.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, in order to explain this bill further, all this bill does is say that the public defender can appoint investigators if the amounts...funds budgeted is...allows. And if he can, he has to do it with the approval of the chief judge to appoint investigators who shall be classified as peace officers, may carry weapons after appropriate training only in the course of their duties. You don't appoint the sheriff's office to investigate for the public defender's office. You have to have your own investigators and the counties that do have these investigators, and my county has in the public defender's office, all they...all she's asking for is protection for that investigator when he goes in an awful neigh-

borhood and has to investigate a case for the public defender. So, I don't think this bill is so bad and I move for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR FAWELL:

Thank you...thank you, very much. Let me...let me tell you again with the amendment what the bill does. Number one...Senator on the other side was in...was in error...our sheriff's department does not go with our public defenders nor will he go, he does not have the manpower, and I think you will find that's true in a large number of the counties, we...they cannot go. All they are saying is that they would like to have the right to...to carry the weapons in the...in their course of pursuing their duties as designated to them by the chief judge. In order to have that, it says right in the bill that they must have successfully completed a training program offered or approved by the Illinois Governmental Law Enforcement Officer's Training Board and subsequently conforms to standards promulgated by the Illinois Police Training Act and an Act in relation to firearms training for peace officers. You asked who wanted this bill; it's the public defender, Jim Dooley I understand, is a hundred percent behind us in Cook County. I know my public defender is a hundred percent behind it, I understand the Lake County public defender is a hundred percent...behind it. The State's attorneys' portion was given to me by the State's Attorney's Appellate Court Division. I...you know, I...I don't know of anybody except for some of the members on...on the Floor that may be in opposition to this, and I would ask for an Aye...a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 905 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...have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 26, none voting Present. Senate Bill 905 having received the constitutional majority is declared passed. For what purpose does Senator Chew arise?

SENATOR CHEW:

I'd like a verification of the positive votes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification of the affirmative vote has been requested. Would all the Senators please be in their seats. And will the Secretary please call the affirmative roll.

SECRETARY:

The following...the following voted in the affirmative: Barkhausen, Bloom, Coffey, D'Arco, Davidson, DeAngelis, Degnan, Etheredge, Fawell, Friedland, Geo-Karis, Hudson, Jeremiah Joyce, Karpiel, Lechowicz, Lemke, Macdonald, Mahar, Marovitz, Philip, Rigney, Rupp, Sangmeister, Schaffer, Schuneman, Sommer, Topinka, Vadalabene, Watson, Weaver, Zito.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any question of the affirmative vote, Senator Chew?

SENATOR CHEW:

Yes, Mr. President, is Senator Bloom on the Floor?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom. Is Senator Bloom on the Floor? Strike his name from the record.

SENATOR CHEW:

Senator Lechowicz on the Floor?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz is talking business.

SENATOR CHEW:

Senator Marovitz on the Floor?



SB 907  
2nd Reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz. Is Senator Marovitz on the Floor?  
Strike his name from the record.

SENATOR CHEW:

That's enough.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On a verified roll call the Ayes are 29, the Nays are 26,  
none voting Present. Senate Bill 905 having failed to  
receive the majority is declared lost. Senator Fawell.

SENATOR FAWELL:

Postponed consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell sought leave to put on postponed con-  
sideration. Is leave granted? Leave is granted. Senate  
Bill 907, Senator Chew. Read the bill, Mr. Secretary.

END OF REEL

REEL #2

SECRETARY:

Senate Bill 907.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Mr. President, this bill has been agreed on by everybody, including the insurance industry, the people in the industry, the members on the other side of the aisle, Senator Rupp has become a hyphenated cosponsor; I have no opposition. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 907 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 1, none voting Present. Senate Bill 907 having received the constitutional majority is declared passed. Senate Bill 912, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 912.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Senate Bill 912, I think, also should have been on the Agreed Bill List. It does, in fact,

amend the Sales Finance Agency Act. When we...1981, took off the statutory maximum rates, therefore, I...eliminating the usury rates, we did not allow for recovery of amounts that were...that were paid which exceed the maximum amounts under the Retail and Installment Sales Act or the motor vehicle...RISA. This provision does, in fact, put that recovery back into the legislation and I don't know of any opposition. I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen. This bill came out of financial institutions unanimously. As Minority Spokesman,...we always get a little nervous when Vince has one of these bills dealing with interest rates...this is actually...an excellent bill, came out unanimously, and we'll make a fortune for a couple of lawyers. I would ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 912 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 912 having received the constitutional majority is declared passed. Senate Bill 924, Senator Schuneman. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 924.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 924 is an attempt to respond to a problem in my district where some of our communities have small community water supplies; for example, a...a water supply serving perhaps eight or nine families, and it simply affects the testing requirements, makes them less onerous than they presently are, and I would move passage of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WELCH:

Senator Schuneman, didn't we pass something similar to this last year or the year before on chlorination of water supplies of towns under five thousand?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

No. We passed...I know the bill you're referring to but it...it had to do with municipal water supplies where a referendum could be adopted. These particular groups that I'm interested in are...are groups of families who live, for the most part, in rural areas.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well, the bill, though, refers to communities under five thousand people. If it's just a few families, why did you set it at five thousand?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

The bill, to my knowledge, doesn't refer to communities under five thousand. I have a copy of the bill here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

The...the current law provides communities under five thousand taking their water from wells are exempt from mandatory chlorination if they submit samples twice, the frequency specified to PCB. What you're asking is that these communities that do not chlorinate their water test two times a year if their last sample...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

...passed inspection.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

No. What...what we're...what we're trying to address here is not communities that you're thinking of. What we're trying to address are small neighborhood water supplies. Now, the bill...as the bill was heard in committee, our information was it was supported by EPA and there seemed to be no problems with it. I was contacted by EPA yesterday and they indicated that the...the bill as drawn establishing a...a test every six months is not permissible under the Federal law, and Federal law would require that these particular supplies be tested at least quarterly. So, there's going to have to be an amendment on this bill in the House to satisfy whatever EPA requirements or Federal requirements there may be, but the intent is as I suggested to you, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Senator, my information is that the Pollution Control Board in opposing this bill, and my information also is that right now the State Environmental Protection Agency is the primary agency in the testing of public water supplies. Under your bill, the State EPA would lose that primacy, and the Federal portion of its budget going to the EPA that we get from the Federal Government would be cut because they would no longer be in control, so is...do you have a dollar factor on how much money might be lost by the EPA budget from the Federal Government?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, as I explained to you, the bill will be amended to comply with...with Federal laws, so I think that whatever loss may be in...in your analysis will...will not be applicable.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well, why don't we just hold it, Cal, and...amend it here in the Senate? I don't exactly trust sending a bill over to the House that needs to be amended. I'm not sure what they may end up doing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, Mr. President, will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR JEROME JOYCE:

All right, according to the EPA, this bill would cause it to lose its primacy in water supply testing; and if this happens, what would occur to the testing of chlorinated

wells?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, could you share with me the basis on which EPA would lose its primacy?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yeah. EPA says that it would because it would be in violation of Federal law.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, as I...as I just explained, the bill, as it was heard in committee, was marked as...with the EPA in support of the bill. It was only yesterday...it was only yesterday, Senator, that the EPA told me that the bill as drawn would be in violation of Federal law, and it was at that time that I agreed that we would have to amend the bill so that it would not violate the...the primacy situation; of course, we don't want to do that, and you have my pledge that it will be amended that way but...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR SCHUNEMAN:

...but their...their opposition to this thing came so late that, as you know, we're on 3rd reading here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

I have another question, I guess. Why should nonchlorinated water be tested less often than chlorinated water when according to the EPA eighty percent of the water

contamination occurs in small nonchlorinated water supplies?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, we're not seeking to do that throughout all water supplies in the State. What we're seeking to do here is...is address a very narrow group of...of water wells in the State and these are only wells that have an exemption of both the chlorination provision and the licensed operator provision. They're small wells a lot like you have on your farm, probably exactly like you have on your farm, only they serve maybe a neighborhood of four or five or a half a dozen families.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

But...but you'd have them testing...you'd have them testing chlorinated wells twice as much as you would have them testing nonchlorinated wells with this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

...I...I don't think that's...that's really the case, Senator. The...admittedly, the bill needs some work in language, but that's...that's not our intent at all to...to address these...what you and I think of as...as municipal water systems.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SCHUNEMAN:

Well, Mr. President, I've...I've addressed the bill as...as we intend to have it in its final form. This bill will, obviously, have to be worked on in the House. It will



be amended in the House and before it can be passed will come back to the Senate; and on that basis, I would ask for support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 924 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 43, the Nays are 14, 1 voting Present. Senate Bill 924 having received the constitutional majority is declared passed. Senate Bill 925...Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

I'd like the record to reflect that I was not on the Floor for...for...the...Senate Bill 887, and had I been on the Floor, I would have voted No on that bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'm sure the record will so reflect. Senator Carroll, 925. Read the bill, Mr. Secretary. Senator Demuzio.

SECRETARY:

...Senate Bill 925.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As part of our involvement in the National Conference of State Legislators' Fiscal Chairmen, we learned of a program that has been operating well in several other states, it started in Tennessee, that went back to the employees of State Government and asked them to identify where they felt we could save some significant dollars in waste in government. We have, therefore, developed this plan tailored to Illinois law which would have the legislative leadership

appointing a board, presumably the appropriation's people, and an ex officio of the Bureau of the Budget, Central Management Services, the Auditor General, et al to serve as a panel to review suggestions from employees on how, in fact, monies could be saved. There is an incentive award that has worked well, as I said, in Tennessee and other states, where we will provide a percentage of those savings up to a maximum award of five thousand dollars for implemented cost-efficiency moves. This award program would, therefore, say to those most closely identified with the spending of money, the State employees, you show us how to effectively save money, we will implement that and, therefore, give you a token reward for having so done. We learned this during the crisis year of budgeting that when we went back to these departments and said to them often that the Governor has proposed a savings of a certain amount of money, how do you think you could handle it? Many of them came up with some very innovative ways where they felt they could still operate in their divisions, yet save the dollars that we were seeking. I would suggest it is time that Illinois joined the other states in using this type of program to allow the taxpayers of Illinois a little bit of relief and I would urge its vote of the membership.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Keats.

SENATOR KEATS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

Just one technical question. Perhaps I'm misreading my analysis. The bill looks like a great idea except there's a little hooker down at the bottom that says something about

hiring additional staff, et cetera to do it. Are we doing that and if we are, who is hiring this additional staff out of what appropriation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

The...it is an error in your analysis, Senator Keats. There is no additional staff to be hired. We feel very strongly that between the Appropriations Committee staff and Central Management and Bureau of the Budget, no additional staff need be hired at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, very much. Then I appreciate that correction. Thanks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll...the question is, shall Senate Bill 925 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 a record 59...59 Ayes, none voting No, none voting Present. Senate Bill 925 having received the required constitutional majority is declared passed. 937, Senator Dawson. Senator Dawson on the Floor? 938. 940. 943. Senator Dawson on the Floor? 951, Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 951, Mr...Senator Dawson, do you wish to have your bills called? Well, let's take 951 out of the record. We'll go back up...Senate Bill 937, Senator Dawson. 937? All right, on the Order of Senate Bills 3rd Reading is Senate Bill 937, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 937.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 937 provides that before an industrial revenue bond is issued it is determined that the project financed by municipalities or State is expected to result in a increase in the jobs on the project site, is not expected to result in a decrease of jobs any...elsewhere in the State; or if a result in a decrease elsewhere in the State, the number of jobs created on the site will exceed the decrease of jobs created first being offered to anybody being displaced in the State of Illinois being affected by that type of...industrial revenue bonds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, the question is, shall Senate Bill 937 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 937 having received the required constitutional majority is declared passed. 938, Senator Dawson. On the Order of Senate Bills 3rd Reading is Senate Bill 938. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 938.

(Secretary starts to read title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, sponsor wishes to hold this one. Take it out of the record. Senate Bill 940, Senator Dawson. You wish that one called, Senator? 940. On the Order of Senate Bills

3rd Reading is Senate Bill 940. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 940.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Senate Bill 930 amends the Illinois Occupational Therapy Act. Requires rather than allows our need to promulgate rules...authorizes our need to promulgate rules...the following rules, standards to determine when oral interviews will be conducted, standards to determine the fitness to practice therapy procedures followed in oral interviews and fees for certificate exams and also standards of passage for exams. It requires our need to consider expiration of certificates for less than five years or prima facie evidence or fitness to practice.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

What does this bill do and who wants it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Right now, I want it, Senator Schaffer. I...I...I can't answer on that one right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

What? What does the bill do? I mean, I...I...I've read the staff analysis and there...our staffs admit they don't know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

R and E.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

It is setting up standards, Senator Schaffer, in R and E for the Occupational Therapy Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

What problem does it address? I'm not negative, I just don't understand the bill. I...and...and apparently nobody else on this side of the aisle does. If they do, if they'd come over and enlighten me, I'd appreciate it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Dawson.

SENATOR DAWSON:

The language in the present legislation basically does not define it...these particular issues as...to clarify it as much as what we're asking for in this new legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Is this a chevy?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

It might be a Cadillac, sir. I couldn't answer that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Dawson may close.

SENATOR DAWSON:

I can see I have to ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 940 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 44, the Nays are 3, 7 voting Present. Senate Bill 940 having received the required constitutional majority is declared passed. 943, Senator Dawson. On the Order of Senate Bills 3rd Reading is Senate Bill 943. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 943.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 943 is a JCAR bill and it basically streamlines the methods of securing the loans for the education and nursing professions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President and fellow Senators. This was recommended by the Joint Committee on Administrative Rules. At sometime this Legislature is going to have address the underlying Act, because the way the Act is drawn it sends the department off in conflicting directions and it makes it very difficult for them to establish a...a rational pattern of regulations. This bill takes a step towards correcting the problem. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill

943 pass. Those in favor will vote Aye. Those opposed will vote...Nay. The voting is open. The voting is open, Mr. Secretary. 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...56...on that question, the...the Ayes are 56, the Nays are none, none voting Present. Senate Bill 943 having received the required constitutional majority is declared passed. 951, Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 951. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 951.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. Just as the Secretary has read that is...clarifies this bill. It's very simple, Senate Bill 951, it merely makes it illegal for an employer to inquire whether an employee has filed a workmen's compensation claim before seeking employment with him, and the purpose behind this bill is to prevent discrimination against an employee who have had injuries prior. I ask for your...favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and members of the Senate. This bill did come to us in the Senate Labor and Commerce Committee, and with all due respect to its very fine and well-motivated sponsor, Senator Smith, I must rise in objection to the bill and I will tell you why. It seems to me to be paradoxical that while we're moving in the direction



generally of the public...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...pardon me, Senator Hudson. Can we have some order, please. Senator Hudson.

SENATOR HUDSON:

...it seems to me to be paradoxical that while we're moving in the direction generally of the public right to know and the employee right to know that we are at one in the same time introducing a bill which probably might be better called the employer's right not to know. In other words, we're stepping in the other direction when it comes to the employer and it's...it...it really is paradoxical and I think it's an...it's an ill-advised bill for these reasons. The measure, if passed, would tend to...to erode the employment-at-will concept. In other words, if it's fair for the employee...prospective employee to know what the job entails that he's thinking of, it seems to me to be also a commensurate right for the employer to know something about the prospective employee. It would provide; that is, the knowing whether or not the prospective employee has filed a claim would provide the prospective employer with an accurate and verifiable method to determine if a person has a physical condition related to the work in question which would prevent that employee...prospective employee for...from performing on the job for which he has applied; and I will say that this is helpful not only to the employer but also to the prospective employee because it may very well be that that employee, if the employer understands his condition, may be able to find a job for him in that plant that will not strain...further strain a previously strained back but...possibly put him in some other place of employment in that plant. Besides this, the information we're talking about is available already from the Industrial Commission. The employer can get it if he wants to, it's just going to take him a little longer.

Another point. Applicants are all ready protected under case law against being discriminated against because they have filed. An employer cannot discriminate against that employee simply for having filed, that's already a member of case law and that applicant is already protected under that law. So, it seems to me that what we have here is a...an overkill in this direction and I think it will be injurious even to the possible employment of the handicapped person. It argues sensibly to me that if the employer is informed or can inform himself that he can better provide for the needs of that prospective employee; and to make it unlawful for the employer, make it unlawful, make it a crime for him to even inquire as to whether or not the applicant has filed a claim seems to me to be injecting government into this process in a way that is unhealthy. This is Big Brother Government really at work and it smacks of some kind of legislation that would be introduced in a...more collectivized society than we are used to in this country. So, let's keep the avenues employer/employee...let's keep them open. I think there can be...I think they can work together, and to pass a bill of this kind, I think, my friends and colleagues in the Senate, is ill-advised, will be injurious to the business community at a time when we're trying in many ways to do things that will help bring business into the State of Illinois, and this kind of measure simply will not do that, and I urge you to consider rejecting this measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Channel 25 of Peoria...requests leave to videotape the proceedings. Is leave granted? Leave is granted. Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As was mentioned, this bill came out of the Labor and Commerce Committee on a partisan roll call, 5 Ayes, 4

Nays. The...the real serious objection to the bill is twofold; one, it deals with the preexisting conditions issue. That is something we, as the Legislature, are going to have to finalize. This bill is working in a fuzzy area that we have chosen not to clarify. This bill makes a fuzzy area even fuzzier. If we don't want to deal with the preexisting conditions issue, that's a decision we should make, but to then put in another bill like this that makes a fuzzy issue virtually impossible to be dealt with by the individuals involved, I mean, it just is impractical. Okay, the...the second problem is, it is not an unreasonable question for the employer to say, have you had previous injuries. If an employer hires someone who's had a chronically strained back or knee for a heavy lifting job, he is setting himself up for a lawsuit that will just clean him out. I mean, we are fighting right now malpractice issues and we're fighting the change of venues issues and many of these issues where people are sued for reasons they think are unreasonable. This bill sets up a classic lawsuit where the employer, is by our law, totally unable to find out that he's about to hire a guy to do something the man can't do. He's going to get murdered in a lawsuit, he'll have no defense, it'll be our fault and the injured worker who shouldn't have been put in that place, we are putting him there because he is not allowed to explain that problem. I would appreciate a No vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 951. It is true that this bill had a hearing in the Labor and Commerce Committee and I totally disagree with my Republican colleagues on this particular piece of legislation. There is a...is a need for this bill and it has nothing to do with whether or

not...an...an employer can know whether or not a person is physically able to perform a job. The basic reality of this piece of legislation and the reason that my colleagues on the other side don't want this legislation is that it protects an...potential employee, an applicant, from discrimination based on the fact that he or she has filed a...previous workmen comp. claim. It...it is true that the law simply today provides that no discrimination can be allowed because of previous claim filed, but if that is true, why should there be an objection against an employee from asking that question on a...on an application? I say that it should not be allowed, and because we cannot determine that all employees are fair and honest, what is the purpose of asking the question if you are not going to take any action on that question? So, I say the question should be outlawed and that's what Senate Bill 951 does. It should be passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. At the risk of destroying a blooming romance, I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

She indicates she will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Smith, it's not uncommon, and I ran a plant for seventeen years, to require whenever you are about to hire someone, for them to take a physical examination. Underneath your bill, that person would either not be required or the employer could not request that that person submit that kind of information that is critical to a physical examination and that is any previous injuries or any time at all that you received medical attention previously. Does your bill do that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, sir. No, this bill does not. It does not have anything to do about having examinations at all. You're perfectly welcome to offer that to your employee. The merely thing that we're talking about is discriminating an employee who has been formerly injured by workmen's compensation on a job. Now, my friend, Mr. Keats...Senator Keats, my friend, bless his heart, spoke in terms of being injured and weak backs and thing as that. We're only directing at one thing, to protect the employee who has previously filed for a...workmen's compensation from a previous job but to go and...and be a...to be hired from...from an employer because of previous...job, but for...what am I trying to say...for a...for a...a local examinations, that's not prohibited. We don't want the employer to discriminate that employee just because he has had a previously...a previous injury by workmen's compensation, that's all. It's just as simple as that. It's not going to hurt the employer and it's not going to hurt the business or anything...that, but is going to just ensure the safety of the employee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Smith, I would like to reverently disagree. Let me read you the bill. "To inquire in any written application or in any other manner." Any other manner. Now, if you request this person to take a physical, and most companies do, they're required on that...or asked to on that physical to state previous medical attention, previous injuries; in fact, you can't really conduct a medical examination in fairness to the person being examined unless you, in fact, indicate what...what ailments you've had, what medical attention you've received, what injuries you've received. Your

bill absolutely prohibits that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is that a question, Senator DeAngelis?

SENATOR DeANGELIS:

Well, I'd...I'd like to clear the record on her response that's all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith may respond.

SENATOR SMITH:

Thank you, sir. Senator DeAngelis, this says on a written application. The doctor is still allowed to ask the person about previous injuries. The only thing we're talking about is just workmen compensation injuries, that's all we're talking about. Don't try to make a mountain out of a molehill, because you're a businessman; you've told me on numerous occasions you are a businessman. Now if you can get somebody to come and work for you if you've had a thousand past injuries as long as he's going to perform for your job and be efficient, that's what you're mainly concerned about, so why try to discriminate a person who can't even help himself?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, first of all, to go back, that's not what the bill says, but as a point of personal privilege, no employer, even one who possess a black heart is interested in having anybody get injured on the job, particularly if they come in with an injury already. Now, I would agree with you that injured workers are discriminated, but I will tell you, time after time, we put bills on this Floor to correct that problem and I want to tell you, it's not this side of the aisle that beats those bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

I...I've...I looked at this bill, it says, "The filing of a workmen's compensation claim." That does not...this bill does not prohibit an employer from asking that person if he suffers a permanent injury and if he has a disability, but this is a mere filing of a claim, and I can tell you there's a lot of employees that work for companies where the companies file applications to settle their cases with the Industrial Commission. It's the company initiate to file. They could...they could settle it without filing an application, but they choose, and I...when I worked...when I was house counsel for USF and G, everybody that was injured, we filed cases to close their...when we settled them to close their cases out and they were not the initiatives of the claims, they filed a pro se application at the request of the employer to close out that case. They do one on every hernia case, they do it on every...every other case. I...I can remember in Waukegan, one of the big pharmaceutical companies used to have one day, they used to bring in thirty, forty people to close their cases out. These people not...did not file their own cases, the company had them come in the same day they filed...they filed the case and the case was settled that day. This bill...I think, there's no reason to ask an employee for...if he filed a case. The only reason is, is he has a permanent disability, I think he can inquire into that, I think he can inquire into a lot of things, but I don't think if he...this...this provision of inquiry is a mere attempt to discriminate against people that file workmen's compensation cases, and I think this is a good bill because you want to inquire into regards of permanency and everything else, then you can because that's a basis, but just to ask whether the guy filed an application means very little because sometimes that man files an application at the

request of his employer; and more...I'll tell you this, Senator DeAngelos, I used to...I...DeAngelis, I want to tell you one thing, when I worked for USF and G, we filed more pro se cases than we got attorney cases 'cause we wanted to pay the claims and settle them out...to treat the employee fair, and I can tell you this, on those cases that we dealt directly with the employer and settled out those cases, they were settled for much less and everybody was happy; and whenever a lawyer got into the picture, we paid more money because the employer refused to turn their claim over to the insurance company. It is purely...that's the pure reason, Senator DeAngelis, and don't say by the mere request on an application whether you filed a workmen's compensation case it is not going to be used by the employer as a discriminatory matter. It will be. It doesn't prohibit that employer from requiring a permanent injury and what that nature and disability is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? We...we are really bogging down here. For the first time, Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. A lot of times we tend to pass these bills and deal with them on a partisan basis, but let's not do that this time. I...I urge you to take a look at this bill. Contrary to what the...the previous speaker said, it does not address the claim situation. What it addresses is the right of an employer to inquire about the physical condition of an employee, and it says that it shall be unlawful for an employer to inquire in any written application or in any other manner of a prospective employee whether that employee has ever filed a claim for benefits under this Act. Now, I submit to you that if you...you are a small contractor and a guy comes to you and wants to go to work, it's very important to you and your previous business



cost to know whether or not that guy may have an existing back injury or some other injury that is going...that is going to be paid under your worker's compensation policy, the premium for which will be affected if this guy has a recurrence or reinjures that particular injury. Now that is not something we should take...away from the employer. We all go back in our districts and tell about how we're going to...we're going to help business in Illinois, we want business to expand, and every business will tell us one of our problems in Illinois is our worker's compensation system. Let's not make it worse.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, I have the bill. This total bill is exactly five and a half lines and it simply says, "It shall be unlawful for any employer to inquire in any written application or in any other matter...manner of any prospective employee of any such prospective employee's previous employers whether that prospective employee has ever filed a claim," ever filed a claim, ever filed a claim, "for benefits under this Act or received any benefits previous under this Act," that's all. Now you can say whatever you want to say. It has nothing to do with him inquiring into that person's injuries.

PRESIDENT:

Further discussion? Further discussion? Senator Smith may close.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I want to thank all of my colleagues on the other side for their input, but the bottom line is still that the distinction to keep in mind is between asking about an injury and asking about a workmen's compensation claim. This bill does not prohibit asking about an injury, it merely prohibits ask-

ing about a claim. Mr. President and members of the Senate, I ask for your favorable vote.

PRESIDENT:

Question is, shall Senate Bill 951 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...19 Ayes, 35 Nays, 1 voting Present. Senate Bill 951 having failed to receive the required constitutional majority is declared lost. All right, before we...we will stop at Senator Jeremiah Joyce and pursuant to...earlier leave granted, we will move to the Calendar on page 37, Senator Sangmeister, for your motion.

SENATOR SANGMEISTER:

Yes, I'd like to inform the Body and I want to thank everybody for their cosponsorship of Senate Bill 10, that was the one to require the University of Illinois to televise football games. We've worked out an agreement with the university and we will see Illinois football games, they will be on delayed T.V. but I think that's a reasonable compromise; and as a result of that...in agreement with the university, I now move to Table Senate Bill 10.

PRESIDENT:

All right, Senator Sangmeister has moved to Table Senate Bill 10. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion prevails and Senate Bill 10 is Tabled. Senator Schaffer, for what purpose do you arise, sir?

SENATOR SCHAFFER:

Mr. President, based on the assumption that we're about to start the agreed bill...

PRESIDENT:

That assumption is correct.

SENATOR SCHAFFER:

~~SB 815~~  
~~SB 874~~  
 Agreed Bill List  
~~SB 1103~~  
~~SB 588~~  
~~SB 589~~  
~~SB 669~~  
~~SB 944~~  
~~SB 1229~~  
~~SB 539~~  
~~SB 440~~  
~~SB 413~~  
~~SB 1095~~  
~~SB 856~~  
~~SB 416~~  
~~SB 259~~  
~~SB 800~~  
~~SB 976~~  
~~SB 254~~  
~~SB 497~~  
~~SB 406~~  
~~SB 159~~  
~~SB 238~~  
~~SB 214~~  
~~SB 299~~  
~~SB 623~~  
~~SB 1188~~  
~~SB 212~~  
~~SB 294~~  
~~SB 568~~  
~~SB 1293~~  
~~SB 546~~  
~~SB 518~~  
~~SB 137~~  
~~SB 561~~  
~~SB 319~~  
~~SB 906~~  
~~SB 1356~~  
~~SB 734~~  
~~SB 1082~~  
~~SB 844~~  
~~SB 505~~  
~~SB 554~~  
~~SB 993~~  
~~SB 541~~  
~~SB 858~~  
~~SB 1224~~  
~~SB 282~~  
~~SB 217~~  
~~SB 1182~~  
~~SB 877~~  
~~SB 834~~  
~~SB 1193~~

...we would like to request and notify the Republican members of a Caucus in Senator Philip's Office immediately upon the beginning of the agreed bill process, one that will, hopefully, be brief and productive.

PRESIDENT:

All right, gentlemen and ladies, so everybody understands, we will begin on page 37 of the Calendar on the Order of Senate Bills 3rd Reading. I've instructed the Secretary to read the some three hundred and seventy-five bills that are on the Agreed Bill List. He informs me it will take approximately an hour or an hour and ten minutes. So, for the next...until one-thirty, we will just say the...the vote will happen at one-thirty, so in the meantime, have some lunch or say a prayer or whatever suits you. Republican Caucus immediately in Senator Philip's Office.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill...

PRESIDENT:

On the Order of Senate Bills 3rd Reading, Mr. Secretary, page 37, begin with Senate Bill 16.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 16.

(Secretary reads title of bill)

Senate Bill 24.

(Secretary reads title of bill)

Senate Bill 29.

(Secretary reads title of bill)

Senate Bill 31.

(Secretary reads title of bill)

Senate Bill 35.

(Secretary reads title of bill)

Senate Bill 38.

(Secretary reads title of bill)

Senate Bill 50.

~~SB 299~~  
~~SB 623~~  
~~SB 1188~~  
~~SB 212~~  
~~SB 294~~  
~~SB 568~~  
~~SB 1293~~  
~~SB 546~~  
~~SB 518~~  
~~SB 137~~  
~~SB 561~~  
~~SB 319~~  
~~SB 906~~  
~~SB 1356~~  
~~SB 734~~  
~~SB 1082~~  
~~SB 844~~  
~~SB 505~~  
~~SB 554~~  
~~SB 993~~  
~~SB 541~~

JB137  
3rd reading

(Secretary reads title of bill)

Senate Bill 74.

(Secretary reads title of bill)

Senate Bill 80.

(Secretary reads title of bill)

Senate Bill 82.

(Secretary reads title of bill)

Senate Bill 83.

(Secretary reads title of bill)

Senate Bill 86.

(Secretary reads title of bill).

87...Senate Bill 87.

(Secretary reads title of bill)

89.

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Senate Bill 98.

(Secretary reads title of bill)

Senate Bill 105.

(Secretary reads title of bill)

Senate Bill 108.

(Secretary reads title of bill)

Senate Bill 113.

(Secretary reads title of bill).

Senate Bill 137.

(Secretary reads title of bill)

Senate Bill 144.

(Secretary reads title of bill)

Senate Bill 149.

(Secretary reads title of bill)

Senate Bill 152.

(Secretary reads title of bill).

Senate Bill 155.

(Secretary reads title of bill)

Senate Bill 156.

SB 212  
AB 214  
AB 159  
2nd Reading  
AB 217  
2nd Reading

- (Secretary reads title of bill)
- 157.
- (Secretary reads title of bill)
- Senate Bill 159.
- (Secretary reads title of bill)
- 161.
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- Senate Bill 164.
- (Secretary reads title of bill)
- 165.
- (Secretary reads title of bill)
- Senate Bill 172.
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- Senate Bill 215.
- (Secretary reads title of bill)
- 217.

AB 259  
2nd Reading  
AB 254  
2nd Reading  
AB 238  
2nd Reading

- 218. (Secretary reads title of bill)
- 224. (Secretary reads title of bill)
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- Senate Bill 254. (Secretary reads title of bill)
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BB 294  
BB 299  
BB 219  
BB 282

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HB 413  
2nd Reading  
HB 406  
2nd Reading

- 385. (Secretary reads title of bill)
- 386. (Secretary reads title of bill)
- 392. (Secretary reads title of bill)
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- 425. (Secretary reads title of bill)
- 431. (Secretary reads title of bill)
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- 433. (Secretary reads title of bill)

AB 539  
3rd Reading  
AB HHO  
3rd Reading  
AB 497  
3rd Reading  
AB H35  
3rd Reading

AB 518  
3rd Reading  
AB 541  
3rd Reading

- 434. (Secretary reads title of bill)
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- Senate Bill 539. (Secretary reads title of bill)
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AB 546  
AB 568  
AB 561  
AB 554

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AB 588  
3rd Reading

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END OF REEL

BB 6/16  
AB 6/23  
AB 6/69  
3rd Reading

REEL #3

ACTING SECRETARY: (MR. FERNANDES)

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673.

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674.

(Secretary reads title of bill)

1st reading of the bills...3rd reading of the bills, correction.

SECRETARY:

The following bills are all Senate bills 3rd reading:  
Senate Bill 675.

SB 73A  
2nd Reading

(Secretary reads title of bill)

Senate Bill 676.

(Secretary reads title of bill)

677.

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765.

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770.

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775.

80800  
2nd Reading

- 783. (Secretary reads title of bill)
- 788. (Secretary reads title of bill)
- 789. (Secretary reads title of bill)
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- 812. (Secretary reads title of bill)

AB 815  
Open Bill List  
AB 840  
3rd Reading  
AB 837

- 815. (Secretary reads title of bill)
- 816. (Secretary reads title of bill)
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- 841. (Secretary reads title of bill)



SB 858  
2nd Reading  
SB 856  
2nd Reading  
SB 847  
2nd Reading  
SB 844  
2nd Reading

- 843. (Secretary reads title of bill)
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- 850. (Secretary reads title of bill)
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- Senate Bill 855. (Secretary reads title of bill)
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AB 874  
AB 877

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- Senate Bill...877. (Secretary reads title of bill)
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SB 974H  
SB 976  
SB 906

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3rd reading of the bills.

ACTING SECRETARY: (MR. FERNANDES)

Continuing to read 3rd reading Senate bills.

Senate Bill 972.

- (Secretary reads title of bill)
976. (Secretary reads title of bill)

HB 993

977.

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AB 1102  
2nd Reading  
AB 1095  
AB 1077  
AB 1082

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- ...1103.  
(Secretary reads title of bill)
- 1104.  
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- 1106.  
(Secretary reads title of bill)
- 1110.  
(Secretary reads title of bill)
- 1115.  
(Secretary reads title of bill)

AB 1182  
2nd Reading

- 1121.  
(Secretary reads title of bill)
- 1123.  
(Secretary reads title of bill)
- 1124.  
(Secretary reads title of bill)
- 1125.  
(Secretary reads title of bill)
- 1127.  
(Secretary reads title of bill)
- 1132.  
(Secretary reads title of bill)
- 1133.  
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- 1137.  
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- 1142.  
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- 1143.  
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- 1150.  
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- 1151.  
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- 1159.  
(Secretary reads title of bill)
- 1166.  
(Secretary reads title of bill)
- 1174.  
(Secretary reads title of bill)
- 1180.  
(Secretary reads title of bill)
- 1182.  
(Secretary reads title of bill)

AB 1229  
2nd Reading

AB 1188  
AB 1193  
2nd Reading

AB 1224  
2nd Reading

1183.

(Secretary reads title of bill)

1194.

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1185.

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1189.

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1193.

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1202.

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1226.

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1229.

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1232.

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1234.

(Secretary reads title of bill)

1236.

(Secretary reads title of bill)

1238.

(Secretary reads title of bill)

AB 1289  
2nd Reading  
AB 1293  
2nd Reading  
AB 1294  
2nd Reading

1245.

(Secretary reads title of bill)

1248.

(Secretary reads title of bill)

1265.

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1283.

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1284.

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1287.

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... 1288.

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1289.

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1293.

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1295.

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1302.

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AB 1356  
3rd Reading

1312.

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1318.

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1322.

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1394.

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1398.

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1449.

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1450.

(Secretary reads title of bill)

1462.

(Secretary reads title of bill)

3rd reading of the bills.

PRESIDENT:

SB 815  
SB 874  
Agreed Bill List  
AB 529  
AB 616  
AB 259  
AB 497  
AB 299  
AB 623  
AB 1188  
AB 212  
AB 294  
AB 518  
AB 371  
AB 1356  
AB 734  
AB 805  
AB 1193  
AB 993  
AB 217  
AB 1224  
AB 541  
AB 856

AB 258  
AB 282  
AB 1182  
AB 577  
AB 1289  
AB 319

The Senate will please come to order. The next roll call will be on the final passage of the bills just read by the Secretary. Is there any discussion? (Machine cut-off)...question is, shall this series of bills pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is...is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, the Nays as are recorded in the Office of the Secretary of the Senate, none voting Present. This series of bills having received the required constitutional majority by record vote declared passed. The record vote of the Ayes and the Nays for each bill passed, shall be entered in the Journal. With leave of the Body, we'll revert to page 29. Senator Joyce on 957. Senator Lemke on 970. Bottom of page 29. On the Order of Senate Bills 3rd Reading is Senate Bill 970. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 970.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this does is provides...it amends the Criminal Code, provides that any person of the age of twenty-one years and upwards who...with the latent to promote and facilitate a commission of a felony, aids or directs a person under the age of seventeen is in the commission of...commits the offense and contributing to the criminal delinquency of the juvenile and is guilty of a felony one grade higher than the offense committed. It also,...in the case of...a murder or...or Class X felony, the penalty should be the same as those offenses respectfully. A defendant who is convicted of

this should...shall be responsible for the payment of all...of...for the costs of rehabilitation, which is defined as detention, supervision or incarceration. It also gives the state's attorney a lien on the property of the convicted felon. I ask for its adoption.

PRESIDENT:

Any discussion? Is there any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, question of Senator Lemkus.

PRESIDENT:

Sponsor indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator Lemke, I agree with what you're doing but you might have an unforeseen circumstance here. Let me ask you a question. Assuming that the crime that was committed would be the crimes that currently are where the juvenile is transferable to the adult court. By now putting the blame on the older person, you're in fact indicating that this person is a juvenile, and you might in fact be prohibited from being automatically transferred to the adult court.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I don't believe so. Just makes this man an accomplice and makes us go after him...as a...he'll be accomplice as it is now as an adult, and if this juvenile is considered an adult, then, maybe we're not able to recover but I don't think it prevents us from trying him.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

I don't think you can identify the person two different ways in the same crime for criminal reasons. I'm not an

attorney, but I don't know how you can. And once...you're saying, he's a juvenile, therefore, the...there...therefore, the adult is liable; but then you come back and say, well, he's not really a juvenile, he's now an adult. I don't know.

PRESIDENT:

Any further discussion? Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Lemke, is there any requirement under this bill that the adult who is responsible at...for abetting or aiding in the crime has to be primarily responsible for it or has to be somehow the...the moving force who convinces the...the younger person to participate or commit the crime?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

That bill calls for the intent to promote and facilitate the commission of a felony. That means the solicitation of the minor to commit a felony.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

And, another question, I'm concerned about the definition of rehabilitation costs. Is that defined in the bill and...will it...one be able to readily determine what rehabilitation costs are?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

We have limited that with the amendment, Senator

Barkhausen, which you talked about, which...which calls for...it specifies incarceration, supervision and detention.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, if I may address the bill. It's a...it's a hard thing to oppose and I'm not strictly speaking in opposition, but I'm...I'm really not convinced that the bill is limited to the situation that I think is the prime concern here, which are situations where the older person is soliciting or compelling or somehow directing a minor in the commission of an offense; rather we may find hypothetically that...that where the younger person is actually primarily responsible for the crime but the older person is somehow on the scene and...and may be found to have aided or abetted in the crime that that older person even though not primarily responsible may end up with a stiffer penalty. And if, in fact, we're dealing with a younger person as a juvenile and not transferred...not transferable to...an adult court, we may have, say in a case of residential burglary, we may have the older person not primarily responsible be...kicked up all the way to the level of a Class X felony, whereas the younger person is dealt with in juvenile court. So I'm...myself am going to vote Present and would suggest that some of you may have some...want to have some reservations about this bill.

PRESIDENT:

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

SENATOR LEMKE:

This bill is a...a means to get...get rid of the fagins in our society as they go back to...to the days of the English where people would use kids to commit crimes. I think the bill is pretty specific. You have to have the

intent to promote or facilitate the commission of a crime or aid in...aid and direct a person under the age of seventeen to do the crime. I think it's very specifically defined, and I don't think any adult that's...does this should be treated any differently than the bill states. I think it's time that we get rid of the adults from the fagins of society, and tell them that you can't use minors to commit your crimes because they're going to walk and I think this is what the bill does. I ask for a favorable consideration.

PRESIDENT:

Question is, shall Senate Bill 970 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 46 Ayes, no Nays, 11 voting Present. Senate Bill 970 having received the required constitutional majority is declared passed. 971, Senator Lemke. On the Order of Senate Bills 3rd Reading, Senate Bill 971. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 971.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Uniform Criminal Extradition Act as for extradition costs. When a county is required to go to another state to extradite somebody, this would allow them to be reimbursed for those expenses which I think is only fair for them...for that particular county bringing back a...a State criminal. I ask for its adoption.

PRESIDENT:

Any discussion? Is there any discussion? Any discus-

sion? Senator Schaffer.

SENATOR SCHAPPER:

I was just wondering, do we have the right to review these expenses? I...I always noticed when they send someone to New Jersey from my area they always send only one or two policemen, but somehow when we had to go to California, it always needed a couple of extra. I don't know why, I guess that's a tendency we see in a lot of places. But do we have the ability to review these bills that are sent to us and say, now, wait a minute, it didn't take you six weeks to go to Miami Beach to pick up this individual, or are we just forced to accept the bills and if they have to go to Paris to pick somebody up and they decide that it's going to take six people we got to pay the tab?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I think that the State has that right now when they pay...the attorney fee. They...review the...attorney...bills that are...that are submitted in another state in the extradition hearing and they pay the amount. If there's a disagreement, then the county has the right to go to court of claims, I guess. I don't know that the procedure is, but I think that's where they would go to substantiate the reasonableness of the fees.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAPPER:

Is that what the bill says?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

No. The bill doesn't say that but I think the law is pretty specific that the Department of Law...Enforcement has



the discretion.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

I don't know. I just...I kind of wonder, we now pay certain...well, that's a...I suppose our own people, but the impression I have and our analysis is not in detail here, there's...that...that we are just more or less obligated to pay the bill. Maybe, I guess, we could then sue them if we think the bill was too much, but I would think we should have the...the power for some sort of a initial review and power to reject things that are obviously out of line. Obviously, I hesitate to speak against the bill simply because I have two sheriffs in the building within earshot this very moment, both of which may be armed. But I just don't know that we want to do this open-ended. I...I trust the vast majority of our people, but I'm sure there are some people that would ride this and ride it very well unless we have some safeguards.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDENT:

Sponsor indicates he will yield, Senator Watson.

SENATOR WATSON:

Does this have Statewide implication?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I would assume it's...every Statewide, we're talking about every county that's extraditing...is forced to extradite people.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, we're...how much are we talking about as far as dollars? What kind of a fiscal impact is this going to have?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

My staff tells me about a half a million dollars.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Is that in the budget?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Well, I believe if it's not, it should be in the Department of Law Enforcement's budget, because it's a State thing to extradite the people from other states, and if it isn't, then the Department of Law Enforcement should put that in. And I think it should...it should be a priority because I think we should bring back criminals that have violated our laws in other states...I mean, from other states.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Does that mean the Department of Law Enforcement is in favor of this?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Well, I don't think they are against it because last time we passed this out it was 58 to nothing. Last Session we passed this bill, it got tied up in the House.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, according to our analysis and information that was filed in committee, they are opposed to the bill. Just on the piece...on the legislation itself, I...personally, I've been contacted by sheriffs from my counties also, and I'm sure that they're very supportive of this and that it is something that probably the State should...should...should have to do, but I don't know if we...this is the time to be doing that. I think it should be a part of the...of the budget. We shouldn't be coming in asking for additional dollars when possibly those dollars aren't there. I understand that the fiscal impact could possibly be up to two million dollars per year. So we're just not talking about peanuts here, we're talking about big bucks, and I think that a No vote would be appropriate.

PRESIDENT:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

A question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Lemke, as...as I understand it, whenever one could be imprisoned then the State will be paying the cost of extradition as under...under this proposal. Is that correct?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

That's correct.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

We had discussion, and I can't remember which committee, one of the Judiciary Committees, on Senator Vadalabene's bill, and the compromise that I thought we had reached is that the...even though it's...something of an extension beyond the State's responsibility for paying extradition costs now is that the State will pay them in cases where there is a felony charge, but where...there is a misdemeanor charge then...then it will be a matter of local discretion and the prosecutors and sheriffs will have to decide whether they want to extradite an individual and bear that cost. In the past, the situation I think has been and the reason for confusion and frustration on the part of the sheriffs is that the state's obligation has been limited to situations where the...where imprisonment would necessarily result, in other words, a...a nonprobationary offense. And so we thought we should go beyond that to have the State's obligation extend to all felony cases, but this is going even further to include all misdemeanor cases, and that is...is certainly a...a much more extensive obligation for the State, and I think there will...would be...situations in which you have to ask on a minor misdemeanor charge, is it really worth paying a substantial amount of money to extradite somebody, and rather than leaving that discretion totally to the local prosecutors and sheriffs, there...they will probably say, well, if...if we're getting all this free money from the State, then even on a minor charge we ought to be bringing the defendant back. For that reason, I think we ought to be opposing a bill that goes as far as this one does.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If I remember correctly that we added money into the Department of Law Enforcement budget over and above what the

Governor had requested to take care of something of this. I think it's...was some fifty thousand or more plus. I don't remember. I was just talking to our staff people who are on that. They refreshed my memory. So we did put some money in there; of course, it's not nearly as much as what you...what I heard on this Floor.

PRESIDENT:

Any further discussion? Further discussion? Senator Lemke may close.

SENATOR LEMKE:

I think that we have passed laws to persecute and prosecute criminals. I think that we should also back that up that if you do break a law in Illinois and you do go to California, you do go to New York, that we, as a State, will pay the money to bring you back. I think it will encourage people not to break State laws. If we don't do this, then what's the sense of passing laws if we can't extradite? Why should this cost be brought to the...the local people? It should be...it's the State's expense. It's the state's attorney who is a State employee that's prosecuting these crimes, and he...he...and I think he knows best what's good for the State's interest, that's why he's elected. I ask for a favorable adoption.

PRESIDENT:

Question is, shall Senate Bill 971 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? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 27 Nos, none voting Present. Senate Bill 971 having received the required constitutional majority is declared passed. Senator Watson, for what purpose do you arise, sir?

SENATOR WATSON:

Thank you. I'd like to have a verification.

PRESIDENT:

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

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berman. Carroll. D'Arco. Darrow. Dawson. Degnan. Demuzio. Geo-Karis. Hall. Holmberg. Jones. Jeremiah Joyce. Jerome Joyce. Kelly. Lechowicz. Lemke. Luft. Marovitz. Nedza. Netsch. Newhouse. O'Daniel. Poshard. Sangmeister. Savickas. Smith. Vadalabene. Welch. Zito. Mr. President.

PRESIDENT:

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

SENATOR WATSON:

Senator Jones.

PRESIDENT:

Senator Jones on the Floor? Senator Jones on the Floor? Strike his name from the roll, Mr. Secretary.

SENATOR WATSON:

Senator Carroll.

PRESIDENT:

Senator Carroll is on the Floor, Senator Watson.

SENATOR WATSON:

That's...that's fine. Thank you.

PRESIDENT:

Mr. Secretary. Okay. The roll has been verified. The Ayes are 29, the Nays are 27, none voting Present. Senator Lemke requests that further consideration be postponed. So ordered. 974, was on the recall list. We'll turn to the top of page 30. Senator Watson on 988. Timing is perfect. Right. On the Order of Senate Bills 3rd Reading is Senate Bill 988. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 988.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

The finger of fate has done it again. Let's just...I think we'll just hold this after...

PRESIDENT:

Take it out of the record, Mr. Secretary. Senator Collins on...998. Senator Collins on the Floor? 998, 1000, Senator Carroll...1010 was on the recall. 1014, Senator D'Arco. On the Order of Senate Bills 3rd Reading, the middle of page 30, is Senate Bill 1014. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1014.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 1014 provides that by 1-1-86 the Department of Public Aid will enter into inter-agency agreements with DMH and DOC to establish procedures to...expedite applications for residents scheduled for release. The purpose of this bill is to aid the homeless. This is part of the homeless package, and people that are leaving institutions have a right to know if they are eligible for some type of benefits from the State of Illinois, and all the departments are in agreement that by 1986 they will enter into these agreements to expedite the procedures whereby, people leaving these institutions will be allowed to become eligible for benefits, and I would ask for a favorable

vote.

PRESIDENT:

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1014 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present...1 voting Present. Senate Bill 1014 having received the required constitutional majority is declared passed. 1021, Senator Netsch has agreed to Tuesday at noon. 1029 is on the recall bill. 1030, Senator Berman. On the Order of Senate Bills 3rd Reading, Senate Bill 1030. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1030.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1030 is the Illinois Dental Practice Act. We addressed some of the issues in...that were involved at 2nd reading where some of the original language was changed to accommodate the hygienists. They are...still have some problems with it, but the bill is, I think, in a much better fashion than when it was first addressed in the committee. The...it is a lengthy bill with a recodification and some changes which I'd be glad to go into if there are any specific questions, but I suggest an affirmative vote for Senate Bill 1030, the Dental Practice Act.

PRESIDENT:

Any discussion? Senator Bloom.



SENATOR BLOOM:

Will the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield, Senator Bloom.

SENATOR BLOOM:

Senator Berman, as I read this bill right now, basically the advisory committee is not advisory but a free-standing entity unto itself and that the department director is more of an advisory committee. Has that been changed? Or is that still in the bill? I guess is a better way to ask the question.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

The Board of Dentistry is what you're having...reference to? They're still in the bill.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

I know they're still in the bill. I described the way it operates. Is the advisory board advisory or is it indeed an operation that is responsible unto itself?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

The members of the board are appointed by the director of the Department of R & E. In Section 7, on page 5, it says that, "None of the functions, powers or duties enumerated in Section 5 shall be exercised by the department except upon the action and report in writing of the board. The action or report in writing of a majority of the board shall be sufficient authority upon which the director may act." The director is still vested with the power regarding examinations toward a reexaminations or rehearings.

PRESIDENT:

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

SENATOR BERMAN:

I'd ask for a favorable vote.

PRESIDENT:

The question is, shall Senate Bill 1030 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 55 Ayes, no Nays, 1 voting Present. Senate Bill 1030 having received the required constitutional majority is declared passed. Senator Jerome Joyce, 1032. 1035, Senator Chew. 1047, Senator Smith. On the Order of Senate Bills...3rd Reading, is Senate Bill 1047. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1047.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. Senate Bill 1047 merely requires the Department of Aging and the Department of Insurance to conduct a study, a feasibility...study, as far as the possibility of creating a Statewide health insurance counseling advocacy program. It's merely a research bill to avoid the elderly from being ripped off from fraudulent insurance plans and supplement their Medicare benefits.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1047 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 57 Ayes, no Nays, none voting Present. Senate Bill 1047 having received the required constitutional majority is declared passed. 1048, Senator Smith. On the Order of Senate Bills 3rd Reading, Senate Bill 1048. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1048.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. 1048 simply amends the Pension Code to give children born out of wedlock the same benefit that all other children are entitled to under the Pension Code. These provisions are unconstitutional. Illinois Probate Act which contains similar restrictions on the rights of illegitimate children to inherit from their fathers was held unconstitutional by the U.S. Supreme Court in 1977. The probate court law was subsequently amended and now allows the child born out of wedlock to inherit from the father who dies in State and without a will if the child can prove paternity by clear and convincing evidence. Senate Bill 1048 to the Pension Code creates the same standard for the entitlement to pension benefits. I ask for your favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1048 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 57 Ayes, no Nays, none voting Present. Senate Bill 1048 having received the required constitutional majority is declared passed. 1050, Senator Schuneman. On the Order of Senate Bills 3rd Reading, bottom of page 30, is Senate Bill 1050. Read the bill, Mr. Secretary.

END OF REEL

REEL #4

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1050.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, one of the growing problems in our society is the one of the sexual abuse of children. In recent years we've seen more and more examples of sexual abuse by teachers and administrators...of schools and, in some instances, cases where those teachers and administrators had had previous records of conviction on sex and narcotics charges prior to their going to work for the school where the second incident occurred. There have been several attempts at bills to try to address this problem, one of them in the House this year which would have required the fingerprinting of...of all existing teachers and administrators. The reason fingerprints are needed is to be able to check the records of the Department of Law Enforcement to find previous convictions. That bill in the

House did not succeed. This particular bill has a different approach. What this bill does...two things that would be required; anyone seeking a certificate for a teacher or administrator in Illinois would have to submit a fingerprint card, and that card would have to be checked through the records of the Department of Law Enforcement before a teaching certificate or administrator certificate could be issued to that person. The second thing the bill does is require a local State Board of Education to report any known case of conviction of a sex or drug offense by a teacher or an administrator to the State Board of Education. That's simply what the bill does. I'd ask for your support.

PRESIDENT:

There any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1050 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 55 Ayes, no Nays, none voting Present. Senate Bill 1050 having received the required constitutional majority is declared passed. Senator Maitland on 1053. Top of page 31, on the Order of Senate Bills 3rd Reading is Senate Bill 1053, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1053.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bloom...I mean, Senator Maitland. Sorry about that.

SENATOR MAITLAND:

It's a new day, Mr. President.

PRESIDENT:

Yes, sir.

SENATOR MAITLAND:

...or was this morning. Thank you, very much, Senate Bill 1053 does exactly as the synopsis suggests. It amends the School Code and provides that no one fraudulently altering or misrepresenting his or her credentials shall be certified to teach. There was no opposition to the bill and I would appreciate your support.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1053 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 58 Ayes, no Nays, none voting Present. Senate Bill 1053 having received the required constitutional majority is declared passed. 1055, Senator Maitland. 1056. 1062, Senator Rupp. 1063, Senator Luft. 1068, Senator Lechowicz. On the Order of Senate Bills 3rd Reading, the middle of page 31, is Senate Bill 1068. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1068.

PRESIDENT:

I beg your...

ACTING SECRETARY: (MR. FERNANDES)

(Secretary starts to read Senate Bill 1068)

PRESIDENT:

...hold it, Mr. Secretary. Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

Thank you, Mr. President. Two things; one, the Calendar...the word vexatious is misspelled, it should be v-e-x-a-t-i-o-u-s, and I also have an amendment so that bill will be brought back to 2nd reading tomorrow.

PRESIDENT:

All right. Take it out of the record, Mr. Secretary. 1070, Senator Barkhausen. 1072, Senator...1074, Senator Luft. 1079, Senator Dunn. Can you get Senator Dunn's attention? On the Order of Senate Bills 3rd Reading, Senate Bill 1079. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1079.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dunn.

SENATOR DUNN:

Thank...thank you, Mr. President and members of the Senate. This bill does exactly what it says on...it allows a carry-forward and not a carry-back. It's a three-year carry-forward, it's in according with the House bill, it's been...addressed the same subject and has to do with investment credit...with income tax carry-forward for energy...related items. I'll be glad to answer any questions about it and appreciate a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1079 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 58 Ayes, no Nays, none voting Present. Senate Bill 1079 having received the required constitutional majority is declared passed. Senator Demuzio on 1080. On the Order of Senate Bills 3rd Reading is Senate Bill 1080. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1080.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Yes, Mr. President, this bill is identical to a...the bill that Senator Davidson passed out of here yesterday with one exception that his was broader in scope, that it, in fact,...provided for a subpoena powers and also for temporary benefits for unused sick leave for...for employees. What this does is it provides for the temporary disability benefit for a member with eighteen months of service and under the age of seventy who becomes physically or mentally incapacitated provided that the member has been denied workmen's compensation benefits and has filed an appeal, an application is made within twelve months of the disability and certification of the physician. This would allow an...an individual to immediately begin drawing benefits even though the...the case is, in fact, being considered. It is, as I said, identical to Senator Davidson's bill that passed out of there yesterday with the exception of the...two provisions that I made. Would ask for your favorable support.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1080 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 57 Ayes, 1 Nay, none voting Present. Senate Bill 1080 having received the required constitutional majority is declared passed. 1086, no. 1098, Senator Philip. On the Order of Senate Bills 3rd Reading is Senate Bill 1098. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1098.



(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1098 as amended would change our primary date to the second Tuesday in May. The amendment...evidently there was a Jewish holiday in some years that would fall on the second Tuesday. The amendment provided if that Jewish holiday falls on that day, it would be the third Tuesday in May. As you know, the Governor has had a Commission on Election Reform. It has...held hearings all throughout the State of Illinois. It is a bipartisan commission made up of the chairman of the City of Chicago, Election Commission and the Cook County Clerk. It was a very well done, hard working commission. This is their recommendation. I would suggest to you that there are nine states now that have May primaries, there are thirteen states that have the first Tuesday in June primary and twenty states that have the primary between September 7th and 18th. I think it's a good idea for a couple of reasons; one, school is still in, the weather is nice and people tend to vote more when you have better weather. I think it's a good idea. It's much better than the March primaries we have now. As you know, we've had some pretty inclement weather over the year, and I'll be happy to answer any questions.

PRESIDENT:

Is there any discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I'd like to ask our distinguished Republican Leader a question or two about the bill.

PRESIDENT:

He indicates he'll yield, Senator Kelly.

SENATOR KELLY:

Senator Philip, can you tell me what provisions there are in this bill for the members of the General Assembly to be able to campaign, because our schedule certainly is a busy one and I wondered what opportunity we, as elected members of the General Assembly, would have to campaign if the primary is held in the month of May?

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Well, perhaps some of us are better off here than back home campaigning. That's always a matter of opinion, but we've always been able to in the past work that out in regards to our schedule down here. As you know, Senator Rock and I have always sat down and tried to work out reasonable schedules. I'm assuming if we have a...a primary May date, that we will sit down and we will work out around that primary date to make it convenient for the members of the Senate to go back and campaign.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

It seems to me over the years, and we've had a number of bills which had changed the primary date, that one of the biggest opponents...over the years have been those that represent farming areas. Farmers, in general, have the month of, you know, April, May and June to do most of their work and that's where a lot of resistance. Is there any position of the farm organizations or those representing the farmers' interest on this?

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

I might suggest this to you that normally farmers...are

able to plant their crops in about a week's time. They have more flexibility in regards to taking time off to voting than...than we do or the average citizen, and if you'd look at the record, I hate to tell you, but their primary record has not been too hot. If you'd look in the rural areas,...I would suggest to you that they don't have a very good primary percentage voting as we...how should I say, we do in the suburban area. We turn out better in the primaries than the farmers, but I don't see there's a problem for the farmers. I've been told that, basically, the planting is determined by weather and, of course, this year the crops are already in and so it all depends on the weather.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in opposition to this bill. We've discussed the changing of primary dates; in fact, I believe the people of Illinois have been all over the lot as far as primaries and primary dates. We had them in February, we've had them in April, we've had them in March, we've had them...unfortunately, there hasn't been a consistent pattern, and the consistent pattern should be that it's like the second Tuesday in November is...normally an election day and that's...the people start realizing and participating in elected democracy. I share the concerns that were stated by Senator Kelly. We've discussed this matter a number of times in both Chambers on different bills and, unfortunately, an ideal time never exists. There's always some party or some group of people that makes it inconvenient date of the primary. And let me point out to you that...it was pointed out by Senator Kelly that in discussions on previous bills, May was a very detrimental time period because of the planting...planting and the taking care of crops in this State.

As far as the residents in urban areas, I don't believe it really would make a difference whether it would be April, May or September, but I think in order to be consistent, we should at least establish a definite date which we've had now in March, let it run its course and to see if we can actively participate and ask people to work in the elective process.

I think that...this matter has been discussed at the Cook County Central Committee level, it's been discussed at the Democratic party level of...of the State of Illinois, to county chairmen and, unfortunately, they have not endorsed this procedure nor the change in the primary date. I...would strongly recommend you take a look at this bill and vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As Senator Palmer used to say, I'm ambivalent about this bill. I think...like most members of the General Assembly, and I suspect almost all of our constituents, I think that the primary date should be moved from March. We can almost all be in agreement that that is irrational. The question then is whether it ought to be in April or May or September or whatever. Like many of you, I want it to be moved and I guess I would sort of take anything that moved it away from March. I would like to point out, however, that there is a September primary bill that also has been reported favorably from the Elections Committee, is on the Calendar. The only reason why it's not on 3rd reading is that we are...I'm still working with some of the county clerks about fixing up some of the dates involved in it, but it will be available for presentation sometime before we finish last week. My own personal preference, very strongly, is a September primary. I think most of the citizenry would like us to compress the...at least the formal election period as much as possible. I think the greatest danger of all that

we run as elected officials is that we are boring our constituents to death with sort of nonstop elections, and I think a September primary makes a good deal more sense in that respect than even a May primary, but I would prefer May to March, so that is the source of my ambivalence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes, I...I think we have heard all of our colleagues this afternoon talk about the need for change with the possible exception of Senator Lechowicz, but...we just never seem to be able to agree on which date. I strongly support this particular bill because I think that it does fall at a time of year when it will encourage more voters to get out and vote, and, after all, that is one of the main thrusts and...purposes of either party to see that we get out the maximum number of votes of people who will get out and participate in the elective process. I...I think this bill is a reasonable bill. I think it's been well thought out. I think you can always find some fault or some reason with any of these bills that change the date of the primary, but I think of all of them that we have heard, certainly over the last couple of years, I think that this is the best and I would urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to the proposed change to a May date. It...as amended, this bill, obviously, does not apply in any respect to the '86 election, but I think for those who will be serving in the General Assembly, I think a May date is...is...disadvantageous. I have supported in the past and will support in the future a change in the primary

date and, frankly, after discussing it and arguing about it for about fourteen years, my only view remains that it ought to be in September. We are spending an inordinate amount of time and money on the election process, particularly if you're a candidate. It seems to me to shorten that process with a primary, in general, a little closer together would be in everybody's best interest, most notably the public's; but I don't think May, truly, from our standpoint, as members of the Assembly, irrespective of party and truly irrespective of districts...some of us have primaries, some others don't, but the fact is that we are at a total disadvantage because with the way the Constitution is constructed in the call for the Governor to deliver his Budget Message in March, we are inextricably tied here for April at least, and to have a May primary, I just don't think is in our best interests.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I would just add one other point of information regarding a May primary. Those of us from urban areas, Chicago and close in suburbs in particular, May 1st is a moving date, and there have been estimates that vary but approximately twenty percent of the registered voters change each year in the urban areas, and if you take twenty percent of the people, most of whom move around May 1st, you may...find that a May primary date is going to disenfranchise an awful lot of people. And I think that should be borne in mind and that's one reason why I am not going to support a May primary date.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Hall.

SENATOR HALL:

...three questions...Senator Philip. Number one, when you originally introduced the bill, it was an April primary; number two, I see that the school board members in district have in between one hundred thousand and five hundred thousand...populations effected and; number three, Article XXXIII applies to school districts in Rockford and Peoria. Would you answer that? What does that mean?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Philip.

SENATOR PHILIP:

I...I am told it only applies to school districts between a hundred thousand and five hundred thousand.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hall.

SENATOR HALL:

Well, as...does...does that just apply to Rockford and Peoria? It says Article XXXIII. I wonder, what is that?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Philip.

SENATOR PHILIP:

Yeah,...of course, it would be any area that would be in between that population....I would think that Rockford would be in that category.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hall.

SENATOR HALL:

But originally you were going to go with April and now you're going to May. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Philip.

SENATOR PHILIP:

No. I was originally going to go with May.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hall. Further discussion? Senator Philip may close.

SENATOR PHILIP:

I...I might say this, Senator Hall, we amended it after the final report came out from the Governor's Commission on Election Reform. I might say this, too, and remind my fellow Senators that we have the longest time between the primary and November election of any state. It forces your workers and yourselves into circulating petitions in the month of December. Quite frankly, that's a very distasteful thing for me and the people who circulate my petitions because, of course, it's the Christmas holidays. Here we are out there asking people to sign petitions for a candidate for the State Senate during the Christmas holidays. I find that distasteful. I find people who don't want to sign them, quite frankly, on that basis. Also I might suggest this to you, is the Primary Election for the convenience of the politicians or the people? Now you go out in your precinct and go door to door and ask them if they want their primary in March or May. I will guarantee you what they're going to tell you, we'd like to have it in May just because of the inclement weather, one simple reason. And you know, we should have everybody participating in the primary and, of course, the better the weather the higher participation. This is a good idea. It was...Statewide hearings on this date and just about the whole consensus of opinion from the Commission on Election Reform agreed on this date and, quite frankly, we ought to do it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall Senate Bill 1098 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? Have all voted who wish?  
Take the record. On that question, the Ayes are 30, the Nays  
are 21, 4 voting Present. Senate Bill 1098 having received  
the required constitutional majority is declared passed.  
Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

I'd like to verify the roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...Senator Kelly has requested a veri-  
fication of the affirmative roll. Will all members be in  
their seats. The Secretary will read the affirmative vote.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Barkhausen,  
Bloom, Coffey, Davidson, DeAngelis, Donahue, Dudycz, Dunn,  
Etheredge, Fawell, Friedland, Geo-Karis, Holmberg, Hudson,  
Karpziel, Keats, Kustra, Luft, Macdonald, Mahar, Maitland,  
Marovitz, Philip, Rigney, Rupp, Schaffer, Sommer, Topinka,  
Weaver, Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly, do you question the presence of any  
member?

SENATOR KELLY:

Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats is on the Floor.

SENATOR KELLY:

Senator Kustra.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra. Senator Kustra is on the Floor.

SENATOR KELLY:

Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland is near his seat.

SENATOR KELLY:

SB 1111  
3rd Reading

Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Watson on the Floor? Senator Watson did not vote. He's not recorded.

SENATOR KELLY:

That's it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, on that roll call, the verification is 30 affirmative...in the Aye, 21 in the Nay, 4 voting Present. Senate Bill 1098 having received the required constitutional majority is declared passed. 1101, Senator Kustra. Senator Kustra on the Floor? 1111, Senator Coffey. On the Order of Senate Bills 3rd Reading is Senate Bill 1111, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1111.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. Senate Bill 1111 is a clean-up bill for the Secretary of State's Office. This bill amends the Illinois Vehicle Code and makes the following changes; number one, it allows tow dollies to be...to be issued exempt plates and provides for voluntary insurance of title; number two, it provides free of charge title...or registration search or certificates...are...government agencies and four dollar title certificate fees for others; it provides for statutory authority to issue a forty-five day Illinois temporary apportionment or prorated authorization permit for semitrailers; it authorizes the Secretary of State to issue two-year plates as multiyear plates; five, it permits the Secretary of State to

eliminate the limit on the issuance of manufactured plates; six, it deletes the October deadline for filing of the amateur radio plates and instead bases registration on the staggered system; seven, it allows the second division vehicles under eight thousand pounds, which is pickup trucks and vans, to be registered as the following multiyear nonstandard registration plates which includes like amateur radio plates, disabled veterans, ex-POWs, National Guard, Armed Forces and so on; eight, reduces from...twenty dollars to ten dollars the two-year registration fee for certain farm vehicles and...machinery registered as exempt plates. A...a year ago we passed legislation and increased that rate...increased that rate, and unintentionally what these are are plates that's used on anhydrous trailers and so on which are not registered...which do not have title and it's a loss of revenue of about twenty-eight hundred dollars, I believe as far as revenue loss. Number nine, deletes ten percent per month maximum mileage reduction penalties for persons registering after July 1st under the mileage weight tax option and that is again...is for license plates that are not titled. Number ten, it requires new and used car dealers to carry appropriate liability insurance rather than Hazard One Garage Liability Insurance, and what this does...they keep the same amount of liability insurance; really, all the change is that they do not use the term "Hazard One". Number eleven,...exempts trailers and mobile home dealers from liability insurance requirements. What this really does is the...right now, for car dealers and others when you're demonstrating a vehicle, they have to have liability insurance. In the case of trailers, of course, they cannot take them out and demonstrate them, so there's no need for liability. Number twelve, it allows for certificates of deposit to be used as bond in lieu of bonding requirements for dealers. Be glad to answer any questions or I'd ask for a favorable

roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. When the amendment first came out, we had a little problem with two portions of it. It's been explained...accordingly, as Senator Coffey did. There is a statutory limit of...which is now...it's been extended to thirty...or forty-five days from the thirty days and the liability insurance exemption that was on there, that's for people that use demonstrators and that did not apply, so we have no problem with it and I urge your support of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Senator Coffey, you mentioned about having the exemption for trailer and mobile home dealers from the liability insurance requirements. What I'd like to ask you, would not this give them, let's say, a rider permission not to have any liability insurance whether they are...whether it's their own property or if they're selling these items? I'm just concerned that maybe this is giving them a...a freedom not to have any type of insurance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey. Senator Nedza.

SENATOR NEDZA:

Yes, thank you, Mr. President. Senator Kelly, I...that's one of the problems that we originally had. I just explained that. It's...these are if you're taking out a demonstrator...like you're taking an automobile and you're going to drive it around, you're going...you can't take a trailer or a mobile home and that's...that's why...we had a problem with it originally but it's okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Senator Nedza, I...appreciate that comment. What I want to know is if this individual that owns a trailer or a mobile home, his own, what if he has that, does he have to...under...under...there may be some interpretation that he does not have to have any type of liability insurance, not one that he's taking out to...to demonstrate or something to that effect, I'm talking about the person that owns one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR KELLY:

Any many times...

SENATOR COFFEY:

Again, this...this deals with the Vehicle Code. This has nothing...the...the section that this deals with is with the Vehicle Code as far as registration and titling. Has nothing to do with...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Kelly, were you finished? All right, further discussion? Senator Donahue.

SENATOR DONAHUE:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Donahue.

SENATOR DONAHUE:

Senator Coffey, are there any increases in fees in any way in this bill at all?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

...no, there's a...there's a decrease...of the one that I mentioned from twenty to ten dollars which...is about a

twenty-eight hundred dollar loss and that was an error made a year ago when...on the trailer license for like anhydrous trailers and tanks which are not titled, so what this does is bring it back to where it was and it...it's about a twenty-eight hundred dollar decrease to...to agriculture but it's very small.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey may close.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1111 pass. Those in favor will vote Aye. Those...opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none...3 voting Present. Senate Bill 1111 having received the required constitutional majority is declared passed. Page 32, Senate Bill 1119, Senator Lenke. On the Order of Senate Bills 3rd Reading is Senate Bill 1119, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1119.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LEMKE:

What this bill does is amends the Public Utility Act. Allows the utility to disconnect services under certain circumstances, requires notification of the customer prior to disconnecting and prohibits disconnecting when a customer is seriously ill. Provides for renegotiation of a deferred payment plan when the customer...final circumstances change

during the period of agreement, and it also codifies the public...codifies the current ICC rules on shut-offs. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall 1119 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 19, 2 voting Present. Senate Bill 1119 having received the required constitutional majority is declared passed. 1129, Senator Newhouse. Senator Newhouse...all right, that was on the...all right, Senate Bill 1131, Senator Mahar. 1144 was on the recall list. 1153, Senator Barkhausen. 1156, Senator Rock. 1171, Senator Donahue. Senate bills 3rd reading, middle of page 32, is Senate Bill 1171, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1171.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1171 amends the Abused and Neglected Child Reporting Act and the Child Care Act and requires the...background investigation on all day-care and...day-care center employees. This is another one of the background check legislation, and it is effective July 1st, 1986, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1171 pass. Those in favor will vote Aye.

Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1171 having received the required constitutional majority is declared passed. 1186, Senator Dawson. Senator Dawson on the Floor? Senator Dawson, 1186. 1190, Senator Keats. Senate bills 3rd reading, Senate Bill 1190, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1190.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. 1190 was brought to me by a...an attorney representing a group of contractors and it was an legitimate problem where when someone does a subdivision, he brings in a guy to fix the pavement or to..to make the road, but he has had to give easement to the municipality. Well, if he goes under and he stiffes the contractor, the contractor can't get his money back 'cause you can't sue the municipality. This sets up a mechanism where he could put on a lien for having done the work but the lien has to be done in advance so there's no big surprise to someone later. The Judiciary Committee did some good work 'cause there was a technical problem in the beginning and asked for an amendment that has since been put on. It's my understanding that the bill is now acceptable to everyone involved and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1190 pass. Those in favor will vote



Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1190 having received the required constitutional majority is declared passed. 1206, Senator Kustra., Senator...Senator Kustra, 1206. Senate bills 3rd reading is Senate Bill 1206, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1206.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This bill arises from the Governor's WBBM radio program where one night a woman called in to complain about the fact that she was not getting a widow's annuity because her husband died before the widow's annuity went into effect. This legislation was drawn by the Governor's Office to cover her situation and apparently the situation of about a hundred widows in the State of Illinois. This bill was on the Agreed Bill List in the Committee on Insurance. I know of no opposition and I'd ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall Senate Bill 1206 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1206 having received the required constitutional majority is declared passed. 1209, Senator Netsch. On the Order of Senate Bills 3rd

Reading is Senate Bill 1208, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1208.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1208 which Senators Bloom and Geo-Karis are hyphenated cosponsors provides a private right of action for injunctive relief by anyone...any consumer who is injured by a violation of the Consumer Fraud and Deceptive Practices Act. The...the reason for this is that as the law is currently structured and it...and as interpreted by the courts, the Attorney General only may seek injunctive relief. Private parties already have the right to seek damages but not injunctive relief. There are many cases in which it is more appropriate for a consumer and more effective relief to go after injunctive relief rather than just simply getting ex post facto damages, if you will. There are also many occasions when there are sufficient complaints that the Attorney General cannot handle them all. The recommendation has to be made first to him, if he cannot handle the action because of insufficient staff, then the private person may...proceed with a private action. To the best of my knowledge, there is no objection to the bill in its present form, and I would seek your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR WATSON:

You mentioned that there is no opposition, but my analysis shows that the...the realtors and the Illinois retail merchants are opposed to this. Do you know what that's all about?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

No, I'm told by staff they did not appear in committee in opposition to it. The committee members themselves raised a couple of questions and the Floor amendment met those concerns, and according to our records there...it passed on a unanimous roll call and there was no recorded opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and...Gentlemen of the Senate, I think they may have been strongly opposed to it before the amendments went on. The amendment that went on the bill removed the punitive damages and expanded the right of the Attorney General to decide whether or not to proceed on the matter from sixty to ninety days and it also provides that only consumers may bring the action. It deleted the person or interested person, it has to be the consumer who can bring the action. So, I think after those amendments...those points when on the amendment, I heard nothing further from the realtors, but I don't know how they stand, but I think the bill now, as it was amended, is a good bill and I support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Bloom.

SENATOR BLOOM:

As you know, this is not the first time this measure has been before this body. In a prior karma, I believe Senator Joyce and I carried pieces of this measure. I think with

the amendment, the measure should receive the support of everyone on this Floor. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1208 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 42...43, the Nays are 14, none voting Present. Senate Bill 1208 having received the constitutional majority is declared passed. Senate Bill 1211, Senator Degnan. Senate Bill 1213, Senator Nedza. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1213.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is part of a eight bill package that was resulted from the...the State Task Force on Student Dropouts which was created pursuant to Senate Joint Resolution 82. During the hearings, testimony was taken that indicated that many children who are...experiencing multiple course failures are the same students who constitute the high risk group of potential dropouts. Now the present system that we have does not offer alternatives whereby these students would be able to receive the additional classroom support they need in order to continue moving through the educational pipeline. The dropout problem, the gang problem can be impacted by reestablishing programs as instituted in this bill which are the summer and evening...schools. They have been previously in force and were proved to be highly successful. Since many

of these youths drop out of school in the ninth or tenth grade after being held back due to course failures, it seems that many of them would likely stay in school if they could remain in the same class as their peers; in addition to the summer school, night school, the accredited night courses would also be available to the parents. The bill also authorizes school districts to conduct and grant school credit for night school classes and to collect charges for these programs provided...and it also provides for a waiver of charges for...indigent students. Secretary...or the Superintendent Manford Byrd of Chicago, and I should laud him, seeing the...the...the problem that is faced with the school system in Chicago specifically has already announced that he is going into a trial program or a pilot program of summer school and night school and he should be lauded for that. I would also ask my colleagues here in the Senate to...for their favorable consideration of this bill and I'd be happy to ask any questions...answer any.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I, too, was a member of that task force and for my brethren who lives outside of Chicago, let me remind you that this problem is not just a city problem; in fact, one of the most revealing hearings we had was in Kane County, so I would urge support for this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. A question of the sponsor if he'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'm sorry, Senator Maitland.

SENATOR MAITLAND:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR MAITLAND:

Senator, is this clearly a board decision or...or...can the board be...be forced to do it after a request by someone...do they have to offer it if some requests it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

There's nothing in the bill that would require that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

It is clearly then a board decision, they...they...they decide to do it or...or not?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Secondly, is there a...is there a corresponding appropriation bill for this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

They're still on their way, Senator. The only amendment that I have received with regards to educational funding is the amendment that was just thrown on our desk now and that's relegating itself to handicapped children attending schools...services and programs to the handicapped. I think that it's all...most of the appropriation is basically for

the handicapped now...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR NEDZA:

...and the school lunch program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Maitland.

SENATOR MAITLAND:

Thank you. My...my question is, is there a...a line item in the State board appropriation bill to accommodate this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

At this time, Senator, there's no indication of how many people are going to avail themselves of this...it's..it's...you take a guess, I'll take a guess. Providing the program is...is...we don't know where we're going, we don't know how many are going to...having the facility available and having how many there are. The City of Chicago is proposing under their present funding a...a program now, but they...they base their program that...they feel that in each school it would serve about a hundred and ten to two hundred and eighty students and that's depending on a number of courses they take. Now, they are funding that out of their own budget. As to what it would be, Senator, take a guess, your's is as good as mine.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator, did the task force have any guesstimate of the cost...at all?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

No, because specifically...the task force at the time we weren't dealing with the numbers of the dollars that it was going to be, it was the numbers of the students that we were...that were being left out of the educational system.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have been informed by the Governor's Office that they have worked out a amendment with Senator Nedza and it will be put on in the House and it should solve everybody's problems. So, with that understanding, I would suggest that we vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

I wonder if my articulate leader could give us some idea what that amendment contains...or will contain?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1213 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, 1 voting Present. Senate Bill 1213...54 Ayes, no Nays and 1 voting Present. Senate Bill 1213 having received the constitutional majority is declared passed. Senate Bill 1214, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1214.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)



Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 1214 is part of the legislative package that resulted from the work of the State Task Force on...Hispanic Student Dropouts. What the bill does...and I want to commend the...the members of the task force because they worked very diligently on a series of bills and this is one of them. What the bill does is to require the State Board of Education to establish two programs designed to prepare Hispanics for school administrative positions. Part of the problem in the Hispanic community, as you all know, is the tremendous dropout problem and the fact that there are no role models for Hispanics to look up to, and this would say to the State Board of Education to develop programs in the system so that we can train Hispanics to become school administrators so they...so that they can integrate themselves in the system. Right now, only 4.9 percent of the teachers in the Chicago public school system of twenty-five thousand full-time employees are Hispanics. We need a program like this. It's going to help in my community where I have a big Hispanic population that is experiencing a tremendous dropout rate, and it's going to help the...throughout the entire State of Illinois, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Nedza.

SENATOR NEDZA:

All I can do is to add to my esteemed colleague's remarks and ask for your solicitation and your support of this program. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1214 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 57, the Nays are none, none voting Present. Senate Bill 1214 having received the constitutional majority is declared passed. Senator...Bill 1215, Senator Degnan. Senate Bill 1217, Senator Berman. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1217.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is another in the package of the Task Force on Hispanic Student Dropouts. This bill calls for school districts to make available to students vocational and career counseling and to establish counseling days. I do want to note that two of the people that were instrumental in the development of this package are up in the balcony, Roberto Rivera and Father Kyle, and I think that this goes along with the purposes of the...addressing the problems of Hispanic student dropouts. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. All I would say is that Senator Berman mentioned Father Kyle and Mr. Rivera, and all I can say, and I don't want to intimidate anybody, but hell hath no fury as a priest scorned, so...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1217 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 1217 having received the constitutional majority is declared passed. Senate Bill 1219, Senator Rock. Senate Bill 1220, Senator Jones. 1221, Jones. 1223...on Senate Bill 1218, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1218.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1219 is another in the Hispanic Student Dropout Task Force Package and it provides really for a program that's...to some extent currently going on. It provides for tutoring for elementary and secondary school students by students of institutions of higher learning, and I'm told that at least three of the private colleges engage in this activity already. It authorizes grants for higher educational institutions for dropout prevention studies; and one further, I think, thing we did was to provide that the falsification of student records is a felony, so that we will not have what, unfortunately, we had in the past where the proper records weren't available. This is, again, part of the package, the price tag to be determined and assessed at the conclusion of the summit. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR WATSON:

We hear a lot about mandates. Is this a particular mandate?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

No, I don't think so. It says that the State Board of Education shall require districts to provide services to students who have dropped out. To that extent, I suppose, it could be viewed as a mandate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, the...the previous bill was also a mandate and I...you know, I understand and I can appreciate the problem that you probably have in your particular area and especially the City of Chicago. Now, I don't know if this is a problem in my district or not, I doubt if it really is. What kind of requirements are we going to be placing on rural school districts and what are they going to have to comply with in regard to...to your legislation here?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, the services, I think, that we are requiring to students who have dropped out of high school for not more than a year include...it says may include optional part-time enrollment, preparation courses...you know, some service to be offered and, frankly, we...we have not yet placed a price tag on it, but is obviously subject to appropriation. If they can't provide the services, I'm sure they can provide some services certainly and at least in terms of counseling.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In answer...or in response to Senator Watson, basically, the bill is a culmination of the other ones and puts it all together and puts it in proper form, so it's not an added...specific bill to the other pieces of legislation, it's a package, one is intertwined with the other, and I would move your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Any further discussion? If not, the question is, shall Senate Bill 1218 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 1218 having received the constitutional majority is declared passed. Senate Bill 1231, Senator Jones. 1237, Senator Davidson...I'm sorry, Senate Bill 1227, Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1227.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill is a simple piece of legislation that would merely say that where there is a case that is being brought because of a Federal law and exclusive jurisdiction was not granted to the Federal court that venue can lie in any county where personal jurisdiction on the defendant can, in fact, be obtained. It requires the personal jurisdiction,

which means that there must be doing business within that county and, therefore, the case can be brought in the same manner where jurisdiction could have been brought in any other place in the State. I know of opposition to the bill.

I would ask...answer questions...now, wait, I said that carefully, I said I know of opposition to the bill and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? We have three that are seeking recognition at this point. We will start with Senator Fawell, Barkhausen and Geo-Karis.

SENATOR FAWELL:

Thank you...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

...thank you, very much, Mr. President. Will the...the sponsor yield for a question? Is this this lousy bill that if a...if a...if a guy gets hurt on a railroad he can come up to...to...into our State even if he's from Georgia or Mississippi or...or any of the other states and get his case heard so he can get a better judgment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

No. It's not a lousy bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen...Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members,...Senator Carroll, I have to admire you and some of your colleagues for your persistence; but as President Reagan is often quoted as saying, "Well, here we go again," and...and, yes, that's exactly what this bill does for it...it seeks to erode a longstanding doctrine

in the common law which the Illinois Supreme Court and...and other state courts have recently upheld, known in Latin as the forum non conveniens doctrine, but...but more...more appropriately known as the doctrine which allows one to have his or her day in court in...in the court which is most convenient and that...that is true not only of...of defendants who, yes, oppose this bill but also of plaintiffs. It ought to be fair for both sides to have a...a case heard in the forum, in the court, which is most convenient for them. For example, if a...an injury occurs in...say it occurs in Cook County and the plaintiff and defendant reside there, just because the defendant happens to do business in, say, Madison County, I don't know why I picked Madison County but perhaps that's appropriate to use in this case as an example, there is no good reason for that case to be heard in Madison County where...where the nexus, as it were, that both the parties have and even the witnesses have is really in Cook County; and it...it should be pointed out, I don't like to...to impune the motives, certainly not of the sponsor, but of the people that are truly behind this bill, there is a major industry at stake that is riding on this bill and that is the trial bar, particularly in Madison County. They fear that they are going to lose business because the Supreme Court has sensibly said that cases ought to be heard in the trial courts which are most convenient to the parties and to the witnesses and...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Excuse me, Senator Barkhausen. For what purpose Senator Carroll arise?

SENATOR CARROLL:

Well, Senator Barkhausen, to...to use your...your quote and imitation, "You've made my day," I'll take it out of the record.

PRESIDING OFFICER: (SENATOR SAVICKAS)

And this is only the middle of May. Take it out of the record. Senate Bill...1231, Senator Jones. 1237, Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1237.

(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. With the amendment we put on a couple of days ago, the Farm Bureau now supports this bill, has support of the commission...Department of Conservation. It gives a fair break to the timber owner who's paying that tax to be able to put forth the forestry plan to reforest the area which has...had been cut for lumber. I would try to answer any question; if not, appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1237 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 56, the Nays are none, 1 voting Present. Senate Bill 1237 having received the constitutional majority is declared passed. Senate Bill 1243, Senator Smith. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1243.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.



SENATOR SMITH:

Thank you, Mr. President and members of the Senate. 1243...Senate Bill 1243 merely amends the income tax...to permit an income tax checkoff for contributions to the Mental Health Education Fund as required by the Mental Health Educational Act. In order to please our members and friends on the other side, we placed a...an amendment on this bill, and this amendment will answer all the questions as to whether we are putting too many checkoffs on...on a tax form, and I think that I have met their agreement and their satisfaction, and so I'm asking if you'd be kind enough to vote for this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1243...Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, could I inquire as to who you cleared this with on this side of the aisle?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Senator Schuneman, Senator Schaffer and Senator Etheredge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer and Senator Schuneman. Senator Schuneman.

SENATOR SCHUNEMAN:

I'm Senator Schuneman, Mr. President, and I...and I don't know anything about it but maybe others do.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You all look alike. Senator Schaffer.

SENATOR SCHAFFER:

Senator Schuneman and other members of the Senate, this particular bill has the amendment on it that says...affecting

not only this particular checkoff but all the checkoffs, that if a checkoff fails to take in a hundred thousand dollars in any given year, it is removed in the subsequent year. Now, I think...it's pretty obvious, I guess there's seventeen checkoff bills in existence, maybe eighteen now, for all I know they tend to multiply, and we have this amendment on this bill and I think we'll have it on another one and...so I'm pretty sure we'll get it to the Governor's Desk, and then if something gets on the...on the tax form that doesn't have enough public support to merit its being there, it'll be removed. I think it's probably a pretty good concept.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1243 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 57, the Nays are none, none voting Present. Senate Bill 1243 having received the constitutional majority is declared passed. Senate Bill 1249, Senator Philip. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1249.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and...Ladies and Gentlemen of the Senate. Senate Bill 1249 would allow the DuPage County Board to issue General Obligation Bonds for the purpose of operating and maintaining courthouse and jails. As you're probably aware, we have a tremendous growth problem in DuPage County in the area of crime, jails, courthouses, et cetera, and what has happened is, the municipalities are continually

eating up all of the shopping centers. Consequently, our tax base is going down, yet law enforcement is increasing. In DuPage County, of a budget of thirty-five million dollars, seventy-five percent of that money is spent in the area of public safety and I'm talking about the judiciary and the jails. Our chief judge had just asked the Supreme Court for three new additional judges because of the caseload in our county. My county board tells me that costs us two hundred and fifty thousand dollars per new judge. Quite frankly, we don't where the money is coming from. This should alleviate our problem. This has been a recommendation of the DuPage County Board itself. I'll be happy to...answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

Does this bill...apply only to counties of five hundred thousand or over or what?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

It only applies to DuPage County, Senator. Although...let me say this, home rule counties already have this power and I think the only home rule county is Cook.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1249 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 48, the Nays are none, 1 voting

Present. Senate Bill 1249 having received the constitutional majority is declared passed. Senate Bill 1256, Senator Schaffer. Read the...Senate Bill 1260, Senator Donahue. Senate Bill 1262, Senator Keats. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1262.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

This is a model program...I...I don't have to go into a long explanation. Basically, we would call this a Pervert Treatment Act, these are the child sexual abusers. Rather than be sending all to prison, those who are parolable, this isn't everyone, this is those who'd be eligible for parole are put in a specific treatment plant. It's done jointly through DCFS, Corrections, Rush Presbyterian, St. Luke's. The State is funding it on an experimental basis. We think it could save the State a small fortune. Instead of having a pervert who just remained a formerly jail pervert, we may actually have one who is now able to return to society. Senator Rock and I are...jointly worked on it and would appreciate your favorable roll call.

PRESIDING OFFICER: (SENATOR DENUZIO)

Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senator Keats, is this the...is this the...the project that's modeled after the one in San Jose?

SENATOR KEATS:

This is the one that we've worked on with Gabby Cohen.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That's right. This is the one that was modeled after the...the project in San Jose that really has been the model for all projects in the country. It's worked very, very well out there. I rise in strong support of this legislation. It did come through our committee and I think it's a...it's a terrific idea, and hopefully, when the pilot project works, after five years, we'll be able to expand this project throughout the State of Illinois and really get at the crux of some of the problems with sexual abusers and the question of incest, and I do urge everybody to support this pilot program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

There's supposed to be a corrective amendment. I thought it was on...the amendment is not on. Could we take it out of the record?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Certainly. Take it out of the record. Senate Bill...Senate Bill 1264, Senator Schaffer. Senate bills 3rd reading, Mr. Secretary, Senate Bill 1264, read the bill...

END OF REEL

REEL #5

SECRETARY:

Senate Bill 1264.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAPPER:

Mr. President and members of the Senate, this is a bill for the Department of Commerce and Community Affairs. It, as amended, accomplishes a couple of things; one, it would allow that department to charge other departments for promotional material, these Illinois pins and, if they ever get a decent happy State button they might want to give those away or trade them...or...or have other departments who will want those for distribution. Sometimes the other departments have been getting a large number of these things and it seems fair that they should...DCCA should not have to bear the total brunt for that. The second thing it would allow the department to do is charge fees to individual companies for the cost of transporting their products and catalogs to international markets. We have affixed to this worthy piece of legislation what I've affectionally referred to as the "Rock" amendment, which says in essence that we will appropriate the money, they will charge the fees but the fees will not go to the department, it will go into the State Treasury thereby negating the need for the department to have its own bank account and to be handling deposits and writing checks and keeping the entire process within the appropriations process which, I see Senator Carroll nodding an approval of, I think is something that we in the Legislature want to promote. I am unaware of any opposition to the bill as amended and com-

mend it to you for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hall.

SENATOR HALL:

Two...two things, Senator Schaffer. Is DCCA...do they have an imprest fund?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Yes, they do, for foreign offices but I don't believe this bill has anything to do with that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, I understand that it...that it does deal with foreign trade shows.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

The imprest funds do not deal with...that, that is a separate issue. The reference to foreign shows...for instance, if you had a company that manufactured, let's say, farm equipment, and you wanted us...the State of Illinois to transport a couple of pieces of your equipment and several cases of promotional material and...and...some sort of display to China, we would charge you for that, and we'd cover at least part of our cost of taking your stuff into some joint Illinois, all Illinois display, and this will be a mechanism whereby the...the department could ask the appro-

appropriate companies to kick in an appropriate amount of money to help cover the costs. It is a questionable activity of the State of Illinois, I think, to be promoting individual companies at taxpayers' expense exclusively; I think occasionally, you know, you want to promote all of Illinois but I think it's fair for us to ask the companies to help cover the cost. Now this would not go through any imprest fund, the money they would charge them and the...they would write...the companies would write a check to the State Treasury which DCCA would...may not even get, may go directly to the treasury. I suppose DCCA would have to be notified and the...line item in their budget would be...we would set a line ...item and will set a line item to cover the expense of those sort of things, but there is no imprest fund in this particular...that relates to this particular bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Well, the reason I asked that was that I...I just wondering if the State Finance Act had to be amended to allow this, that's the reason why I asked.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer may close.

SENATOR SCHAPFER:

Well, to answer Senator Hall's question, no, we are not under the impression that that is necessary. I...it might have been necessary had we chosen to give DCCA its own checking account, and the Senate has wisely, in my opinion, decided not to do that. I believe as amended we have eliminated all opposition to the bill and I think it's a reasonable and necessary proposal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1264 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...take the record. On that  
question, the Ayes are 57, the Nays are none, none voting  
Present. Senate Bill 1264 having received the required con-  
stitutional majority is declared passed. 1266, Senator Geo-  
Karis. On the Order of Senate Bills 3rd Reading is Senate  
Bill 1266, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1266.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this  
bill amends the Radiation Protection Act in it...that...any  
by this...by this kind of amending it prohibits the operation  
of a radiation installation unless all persons who administer  
ionizing the radiation in such installation are licensed or  
accredited. And it's a safety factor, this bill was recom-  
mended to us by the Department of Nuclear Safety to take  
action against operators of radiation installations who util-  
ize unaccredited or unlicensed personnel. And since radia-  
tion is very important and we've had cases of twenty and  
thirty years old where radiation took place and people are  
affected today from it, I think it behooves us to protect  
the...health of the public, and I move for its adoption...its  
passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the  
Senate. Well, about two years ago in response to some prob-  
lems around the State called to our attention by one of the

media around here, we passed a...a very comprehensive bill which I think you are amending now, the Radiation Protection Act, which provided that everybody would have to be certified who operated and administered radiation to humans. How does this change that Act that we passed already two years ago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I...I believe, Senator Marovitz,...the changes...in this bill it specifically stated that no person may operate a radiation installation where ionizing...ionizing radiation is administered to human beings...I think it's very specific. I don't think it was specifically covered in the prior bill. I remember the bill, but I...this is very specific about it and says, unless all persons who administer ionizing radiation at radiation installation are licensed or accredited in accordance with this section. I think this is a more...a more definite measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Was there a particular problem that was brought to your attention by the Department of Nuclear Safety that wasn't covered by the original legislation, because that is what we did originally?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I believe that the reason this was called to my attention in the form of a bill, Senator, is because they felt that this would tighten the bill...the prior law up, 'cause the...the prior law was...was a little bit too...open and what this does is tighten it up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Is...is this at the request of the Department of Nuclear Safety?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Geo-Karis.

SENATOR GEO-KARIS:

And...you want me to close? I'd move for a favorable passage. It is...a request of the Department of Nuclear Safety, yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1266 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 56, the Nays are none, 2 voting Present. Senate Bill 1266 having received the required constitutional majority is...declared passed. Senate Bill 1285, Senator Topinka. On the Order of Senate Bills 3rd Reading is Senate Bill 1285. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1285.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this basically amends the Intergovernmental Missing Child Recovery Act of 1984 to include school districts within the definition of the unit of local government within the Act and also...the I-SEARCH Advisory Board would be expanded so as to allow representatives from each...each participating agency in the program. It's basically a clean-up measure.

There was a...an amendment added onto this which removed an advisory committee to which the committee objected...the Judiciary II objected to. To my knowledge, there's no known objection to it at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question...if not, the question is, shall Senate Bill 1285 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? (Machine cutoff)...voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1285 having received the required constitutional majority is declared passed. 1286, Senator Barkhausen. Senator Barkhausen on the Floor? 1292, Senator...Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

It was my understanding that Senate Bill 1286 was removed...was to go back on the recall list for an amendment. I don't know if Senator Barkhausen is...in the Chamber, but I think there's an amendment...he...he...which...which was agreed to by the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, in any respect, he isn't calling it.

SENATOR MAROVITZ:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 1292, Senator Schuneman. 1296, Senator Rupp. On the Order of Senate Bills 3rd Reading is Senate Bill 1296, Mr. Secretary, read the bill, please.

SECRETARY

Senate Bill 1296.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. This legislation is the result of a department...industry task...Insurance Task Force, which would give the department...the Insurance Department more effective measures to prevent insurance company insolvencies. It authorizes the director of insurance to issue orders requiring an insurer to take corrective action in order to clear up a condition which creates a financial hazard to the public or its policyholders. The legislation is needed in order to allow our director to effectively utilize a new early warning and financial problem detection system that has recently been developed and is in use across the country. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1296 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? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1296 having received the required constitutional majority is declared passed. 1298, Senator Dawson. Senator Dawson on the Floor? Top of page 35, Senate Bill 1300, Senator Carroll. Senator Dawson...are you interested in calling Senate Bill 1298? Senator Carroll, we'll come right back to you. On the Order of Senate Bills 3rd Reading is Senate Bill 1298. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1298.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, 1298 allows for insurers to enter preferred provider arrangements with health care service providers. The bill authorizes insurance companies entrance to preferred provider...organizations known as PPO, arranges with doctors and hospitals, self-insurers and already engaging in PPO arrangements. It allows the insurers to enter into contracts with providers relating to the amounts to be charged the insured for services rendered and issue policies or contracts providing the incentives and for insurers for...use agreements in this piece of legislation. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1298 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1298 having received the required constitutional majority is declared passed. Top of page 35 is Senate Bill 1300, on the Order of Senate Bills...13 reading, Mr...Mr. Secretary, 3rd Reading is...is 1300, read the bill.

SECRETARY:

Senate Bill 1300.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

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

Senate. Senate Bill 1300 is an approach towards dealing with the problems of driving while intoxicated and most particularly with some of the younger people in the State wherein we're saying that there is a responsibility of peer pressure. It's an effort to say that you cannot idly sit by and ride in a car with someone who is obviously intoxicated and claim no responsibility. It is the hope that through this type of guidance people who know that the person with the keys to the car, who is obviously inebriated, will step up and say, "Let me drive, I'm sober. Let me take the car, you should not be driving." And hopefully that type of peer pressure will cause a sobering influence on that driver to either take a cab or give the car to someone who is sober. What this suggests, therefore, is to participate in that act of drunk driving can cause a court to say that you must perform community service. It is not a moving violation, it is not a jailable offense, it is not a fine of dollars of any kind. It is merely an awakening to that responsibility by saying, that as our court system can do, go work in an emergency room, go work in an alcoholic treatment center, see the devastating effects that come from driving while intoxicated. Don't say you're not going to be involved, be involved. If, through this method, we have saved one life, we have accomplished a great deal. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Darrow. Can we have some order, please. Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. I don't know if the Chamber realizes what this legislation does, but it says that if you're a passenger, just a passenger, you may be stone sober, may not have had one drink, but if you get...in a car with someone who is drunk and they get arrested, you, in turn, get penalized and have to do community service just for riding

with someone who is intoxicated. So, just consider that and think about it before you vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Senator, you mentioned as far as peer pressure and I can understand that concept, but is there an age factor in the bill? Is it to...people twenty-one through twenty-five or...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, then, very briefly, Mr. President. I, too, would like to bring the attention of this Body that...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait...Senator...Senator Lechowicz, just a moment, please. Could we have some order, please. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I'd just like to also bring the attention to this Body in reference to what this bill really...the complications of it. In my neighborhood maybe a husband is overzealous and has a few cocktails and his wife is trying to get him home as quickly as possible and he won't let her drive the car, and there's a question whether he's had three drinks or four drinks, whether he's 1.0 or .09 or



maybe even .04, and there's probably an argument pursuing between the husband and wife whether he's had a drink one too many or less, and now the poor woman is going to be penalized for the acts of her husband. I don't believe that this is...the right way to approach a problem. I could understand the...trying to apply peer pressure and trying to have the wife drive in lieu of the husband if he's had a few cocktails or vice versa, but I think to penalize a person who in good faith has had absolutely nothing to do with the situation is the wrong way to go. And I would have to oppose this measure. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I agree with Senator Lechowicz because I can just imagine the husband who's had a few drinks and gets a little strong violently, and if his wife dared say anything about him driving, you know what would happen, he would just haul off and...and give it to her. I...I think...seriously, I think that Senator Carroll has a good point but not...I don't think it's that good and I rise against it too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. I wondered, Senator Carroll, if you would consider... maybe an amendment to this...to this bill that would...require the passenger that you're talking about to have a Breathalyzer with him because I don't know how else that passenger could really tell. He would have to be, you know, we get...we get down here pretty fine whether...whether the driver is intoxicated or whether he isn't, it's difficult enough for the authorities sometimes to figure that out even with a Breathalyzer. So, that might

be...that might be a thought, I don't say I'd vote for the bill even so, but maybe you could require that...put that in.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? We have seven additional individuals wishing to speak on this...Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Just wanted to make a comment and say that I've enjoyed very much...being a member of the Judiciary Committee and I think that I've learned a new term today, and maybe that is intoxication by osmosis, and I think this bill ought to be looked at very carefully.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank...thank you, very much. You know, I hate to...disagree with my colleagues on this side of the aisle but, personally, I think the idea behind this is a darn good one. I've seen too many kids that have been willing to climb into cars with the driver drunk and...and maybe if nothing else, it will keep more kids out of the car. If some idiot wants to go out and kill themselves or kill someone else, that's his problem, but why let a bunch get killed...and if a wife is dumb enough to get into a car...and while her husband is drunk, maybe she ought to think about some community service. If there was a prison...sentence or if there was a fine that's one thing, but what we're talking about is community service and I think it's a good bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Just...just...briefly, I'm sorry to prolong the debate, Mr. President and members, but one of the aspects of the bill that...that hasn't been touched upon is the penalty. And I think it should be pointed out that even though we had some

discussions with the staff on the other side and indirectly with the sponsor that there's no penalty category specified in the bill, and we feel that that might, for example, be a...a petty offense, and there is no limitation on the amount of public service work that may be ordered by a court. And that is the only...penalty or punishment that might be provided for under this bill, and we felt that there ought to be some limitation to that; and for that reason, we don't think the bill is quite in its proper form, if, indeed, the bill itself is...is warranted. And I would urge at least a Present vote, if not a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAPFER:

Well, I've got a district along the Wisconsin line and it seems about starting this time of year we can count on almost once a week picking up a paper and finding out about a car load of kids being slaughtered, just slaughtered on the way home. I don't know, we're all thinking about how this is going to effect us and people our age, and I'll tell you, I don't care if it was my wife or anybody else, if someone's drunk you shouldn't get in the car with them, you should try and stop them from driving, and if you can't stop them from driving you shouldn't ride with them, maybe that would make them think twice. I think kids are smarter, they're probably a lot smarter than we got to give them credit for, but Senator Carroll is right about one thing, it's peer pressure. And if this law just gets a few kids to tell their friends, forget it, I'm not riding with you because I got...now I got an excuse, I got an excuse, maybe I wouldn't have guts enough without this excuse, but my excuse is, I'm the one that's going to get in trouble not just you. We've given them an excuse to do what's right and maybe they need it. But let me tell you, if it means I have to pick up the paper just one

less time next summer or the year after when the bill takes effect and read about a bunch of kids being slaughtered it was worth the vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Senator...Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. You know, you can nit-pick a bill like this till it falls apart; I mean, you can gripe about all the little provisions all you want, but...you know, these kids are potential killers. It is real easy to turn your back and say, that jerk did it, not me. But you know if you put the provision in that everybody is responsible maybe we would start to have little collective responsibility for these drunk drivers. Those drunk drivers are potential murderers. Over half of all deaths on the highways are caused by drunk drivers, and if this makes life a little tougher for them to get behind the wheel, fine, maybe there ought to be some pressure on them. Howard, hang in there, you got a lot of votes over here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sangmeister. Senator Sangmeister.

SENATOR SANGMEISTER:

I think he's calling this on the right day. You know if he'd have called this one yesterday I think he would have got the pickle award last night. I see you do have a few on the other side. I was going to say if you get two green lights on this, but apparently you're going to get four, let's see how many more you get and have the roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR SCHUNEMAN:

This is normally the kind of bill I would like to see passed, but, you know, of all the people who are picked up and ticketed for drunk driving in this State, a very high percentage are given court supervision. Now, are we going to accord the same privilege to...passengers?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

The provision of the Act says, that where the operator has been found guilty then the court may impose community service work on the passenger. It is not a petty offense, it is not in any way a fine or a jail sentence, but it requires first the finding of guilt which is not the case in a supervision and then the community service to the passenger who should not have been in that car.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'm not sure I got the answer to my question. It's my understanding that...that the procedure in court actually is that the person who is charged, in effect, does plead guilty but asked for the court to supervise him; if he fails to live up to the provisions of that supervision then...then the guilty charge or guilty plea is entered. And I, you know, I...I think you may have a double standard. You may have the person here who is really drunk and get away scot-free and the passengers have to provide some service.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion?...Senator Carroll.

SENATOR CARROLL:

Merely to answer, no. The...the operative word here is, "found guilty." In a supervision there is no finding of

guilt. At the termination of supervision it's a finding of not guilty. In this case, it says it has to be...it's after they are...they have been found guilty, that requires a court order of a finding of guilt.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

What happens if there's five people in the car, are all five of them going to have...be in violation, and they're sober and the driver is drunk?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

That the court may do...and that's the point, five people should not get in the car with somebody who is drunk.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll may finally close.

SENATOR CARROLL:

Why, thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me just say to some of the members, I think the point has been made, I won't refer to members by name, but it was interesting that we are concerned with those who are drunk on our...our riverways and our lakes and streams and in the original version of that bill the owner, nonoperator, would be found guilty of the violation; the owner, nonoperator, could be found guilty of a criminal offense. I think the point is well made of peer pressure and involvement. It is ludicrous to say that when a person has drank enough to have been over the legal presumption of guilt and is found guilty that everyone else can just pile into

that car and let that drunk drive on our roadways. If we want to seriously say that we are attempting to keep our roads a little more safe, then I think we should seriously say, the passenger cannot be blindfolded while the driver is drunk. A little bit of peer pressure can, in fact, go a long way to save but a few lives and that's what it should be all about. If we can save a life by having a person say, you're too drunk to drive, give me the keys or let's all take a cab, we've done something positive. There should be no excuse that you just sat in the car and let somebody obviously drunk...and understand, a person cannot be stopped for driving while intoxicated unless and until some other infraction of the traffic laws took place, either they were weaving or they caused an accident or they ran a red light or they were speeding or whatever. There had to take first a violation of the traffic laws before a policeman would know that they were, in fact, intoxicated, and therefore every passenger should know as well that the person is weaving or running red lights or speeding or whatever, and that should no longer be an excuse; and what we have said is, not a criminal violation, but go see the effects of people who are drunk who maim and kill, go work in a hospital for a weekend or so in an emergency room or an alcoholic or drug treatment center, that would be a very rude awakening that we should cause to happen. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1300 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? Have all voted who wish? Take the record. On that question, the Ayes are 19, the Nays are 22, 6 voting Present. Senate Bill 1300 having failed to receive the required constitutional majority is declared lost. Senate Bill 1306, Senator Philip. Senate bills

3rd...3rd reading is Senate Bill 1306. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1306.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The synopsis in the Calendar is absolutely correct. And it says when a...that a circuit judges will have to make their selection of associate judges public record. As you know, down here we're on public record every time we cast a vote, we're on public record when we vote for or don't vote for one of the Governor's cabinet members and everything is public. What I am suggesting to you to improve the caliber of the judiciary we ought to know who those judges are voting for. As you know, not so long ago there was a case in Shiller Park where a person was shot leaving a restaurant. In that restaurant he was having dinner with two associate judges. Of course, nobody will admit that they voted for those two associate judges, but I think the public has a right to know. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Karpel. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess this afternoon it's not bad to have a little fun and this is a funny bill. Our State Constitution provides that these associate judges shall...shall be selected by the circuit judges as provided by Supreme Court rule, the Supreme Court rule calls for a secret ballot. I'm not so sure we can do this constitutionally in any event, but for



goodness sake, the...the election of a judge is not a meeting. I...I just...this whole procedure is...I...I would like to have the gentleman, if he will yield, explain how he views this process to work.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Well, it certainly doesn't provide them by rule from...from having a secret ballot. All it does is after...after you decide who the judges, you make public notice who they voted for. Now if you're for good open government, Senator, I don't know why you would have anything...be against this. I, quite frankly, would like to know who...occasionally we have associate judges selected who aren't too red hot, quite frankly, and after they've been sitting on the bench for a year or two years and all the bar associations are moaning and groaning, none of the circuit judges can remember they ever voted for them, and, of course, we all know there has to be fifty-one percent vote for them. And all I'm suggesting to you, if you want to improve the caliber of the judiciary, here's a way to do it. Because I'm going to tell you one thing, they're going to be damn scared about voting for those turkeys they can vote for now and hide.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Well, I suppose there are good reasons and there are real reasons. I don't know that the fact that some member of the judiciary allegedly was in the same restaurant, allegedly with somebody else at some point in time had anything to do with the origin of this bill. The rationale, as I understood it, was that for the first time in the history of the Republican DuPage County a Democrat was selected as an associate

judge and all of a sudden there's some consternation welling up...and so I suppose those who had the temerity to vote for one who used to be a Democrat, although I am sure before he entered the process he disavowed his allegiance to our party. He's a very capable young lawyer. The fact is, he was, at the point at which I knew him, very proud to be a Democrat but I am sure given the system under which he operated he has switched his allegiance. But I don't think that...that...that happenstance ought to...result in something like this. I...I just...I...I don't understand how the procedure works. Are we...are we to then say to the three hundred judges in Cook County who in the next week or so will be selecting or electing eighteen judges, you have to make public for whom you voted? I...I think the system is...that...that's simply not right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Carroll.

SENATOR CARROLL:

I just want to know if the sponsor would yield to a question, please, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Carroll.

SENATOR CARROLL:

Mr...Senator Philip, would you agree to amend this to include State Senators so we can know who voted for you?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Keats.

SENATOR KEATS:

You know, I...I know we're sort of kidding, but let's be serious a minute. These are elected officials, judges always like to deny they're elected officials, but how did they get on that bench? They were elected. What we're saying is these associate justices that are kind of treated like high level patronage jobs...you have looked at the caliber

of...several of them. I remember one guy who cost the State twenty some million dollars, probably because he couldn't read what we were trying to do. Why shouldn't a judge be held responsible, he's an elected public official. We have made careers out of being sure that judges aren't responsible for anything. They can't campaign on issues, you know, you can't kick a guy off for a bad decision. I mean, our papers last time after Greylord said all these judges are wonderful and yet...the Bar Association saying kick a...a couple of them off, yet they all got kept. You know, why can't a judge be responsible? I asked my Senate President...not really expecting a...an answer, but Phil, you're expected to explain how you vote on everything; Howard, you got to explain how you vote on everything, you can't vote in hiding, and when you make a turkey vote, you're expected to explain that turkey vote. Why should a judge, who is an elected official, who is protected left and right, with the best pension fund in the State, never has to face the wrath of an electorate that he stuck it to, why shouldn't he least explain who he's putting on and why? He doesn't have to say anything other than list the roll call. If you read the bill...we've gotten a little beyond, they just list a little roll call, okay, this guy got on, these judges voted for him; next one, this guy got on, these judges voted for him. It's just a roll call, it's not a...a transcript of a discussion, it's just a roll call, just like we print on every issue we vote one. I don't see why judges can't be held a slightly slower...lower standard than we're held to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I might remind some of my colleagues who oppose merit selection of judges that this could be the merit election of judges.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip, you may close.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I right...might remind my friend, Senator Carroll, that in our Republican Caucus for leader that we have an open ballot. We certainly aren't ashamed of who we vote for and we are stand up and we are counted. Now, I might suggest that the judges ought to be under the same circumstance. All we're saying, if you're so proud of who you're selecting for associate judges, well, stand up and be counted. We're counted every day on the Floor of this Senate, more than once. The voters have a shot at us in the Primary and November Election. I might remind my friend, Senator Rock, the person that he has spoken of has seen the light at least eight years ago and decided to carry some water and join the team, and quite frankly, I was most impressed with his resume, his background, and quite frankly, my lawyer friends and my judge friends tell me he's done an excellent job and we're happy to have him. If you've got any more like that send them over, coach.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the question is, shall Senate Bill 1306 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? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 22, 2 voting Present. Senate Bill 1306 having failed to receive the required constitutional majority is declared lost. Senator Philip, the sponsor, requests postponed consideration. Postponed consideration. 1317, Senator Marovitz. 1342, Senator Savickas. On the Order of Senate Bills 3rd Reading is Senate Bill 1342. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1342.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, 1342 is the Chicago Board of Education's request to remove the limit on competitive bidding from five thousand to twenty-five thousand. They let out approximately a hundred million dollars worth of contracts a year and most of the small contracts under the twenty-five thousand mark are either for replacement of instructional materials, maintenance materials and general housekeeping of the board's schools. It would save a lot of time and a lot of cost for them to allow the superintendent just to issue these small contracts. I would seek your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...any discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

Is it not true these small contracts are by and large the only competition that small companies can get into, they obviously cannot compete on the large contracts, very few small businesses could compete on the major contracts. By raising this limit we're actually in many ways excluding a lot of small businesses from being able to bid on some of the Chicago contracts, is that not a fair estimate?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

No, these are basically repetitive contracts and the transportation contracts for the busing of the children like I said, repetitive contracts on replacing instructional materials and maintenance materials...now they have to wait for the board to convene to...to tell the board they're going to put it on the agenda, then the next meeting have it on the agenda and have them vote on it. So, it's...it's a time consuming job to get these materials purchased.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Karpiel.

SENATOR KARPIEL:

Yes, Senator. Just in reading my analysis here, this is for the Chicago Board of Education. What is it for the...other districts throughout the State?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I'm not sure I understood Senator Karpiel's...

PRESIDENT:

Senator Karpiel.

SENATOR KARPIEL:

The intent of the bill, you're saying that you're raising the amount from five thousand to twenty-five thousand for which a bid must be let, is that correct?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator Karpiel, I guess it's a little hodgepodge. Some districts are up to twenty-five thousand, some are under. It's...their...it depends. There are some that are up to that mark some are under it.

PRESIDENT:

Senator Karpiel.

SENATOR KARPIEL:

Well, who...who makes the determination in each district? I mean, we're here at the Legislature making the determination for the Chicago School Board and I'm not aware that we've ever done that for any other district. How do they change their...their amounts?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I am informed by staff that, depending on the contract...makes that determination. But you've got to...remember that the Chicago School District is probably bigger than...maybe twenty counties put together downstate in the amounts of money that they expend and the amount of...the amounts of contracts, not the total amount of dollars but the amounts in paper work of contracts that are...drawn and studied for every board meeting.

PRESIDENT:

Senator Karpiel.

SENATOR KARPIEL:

Well, I understand that. I was just wondering how the other school districts do it. I know that in other units of government there's a standard set amount above which you must let, and there are...you know, there are quite a few laws governing what items have to be let out for bid, et cetera. And I just wondered in other school districts, you know, they can't just willy-nilly determine it themselves and raise it to whatever they want, there must be some kind of Statutes governing that, and I'm not aware of them, I just wondered. And I understand, Senator Savickas, that Chicago School District is a lot larger.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDENT:

Indicates he'll yield, Senator Lechowicz.

SENATOR LECHOWICZ:

Senator, how much of an increase are we talking about for the Chicago...School District?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

They're presently five thousand, they're raising it to twenty-five thousand.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

And is this on...what type of contracts?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

These would be all contracts that are under twenty-five thousand dollars.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, do we have a basically...the number? How many contracts are under twenty-five thousand presently within the Chicago Board of Education?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator, I just asked the staff that question and they did not have the amount of the individual...contracts, they did have the total amounts of dollars. And I think this is a



problem that we...run into by setting limitations whether it was on bidding contracts or...reporting in under our ethic system that every time you set a limitation each year, due to inflation and due to other things, those limits must be raised so that you can accommodate just ordinary course of day business, it creates a problem and I don't know how to really answer how to solve that problem.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

One other question, could they possibly hire a thousand people at twenty thousand dollars a year without going to...any of the procedure...under this bill?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator,...I...I imagine...under a contract, they can...I have...technically I would...if it's a...if they're hired...or paid under a contract, I imagine they could, but...

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, just...just for clarity. I...I think we may have left a wrong impression with regard to other school districts. It's my understanding that every other school district in the State is at five thousand dollars and community colleges, so just...I supported the bill, Senator Savickas, as you know, and I intend to support it here. One other point, we still are over the...under the umbrella of the...of the School Finance Authority which oversees the entire expenditure which is something unlike all the rest of the school districts.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I was just wondering, and I'm not sure Senator Savickas can answer this question, perhaps Senator Carroll, what's the ceiling right now for the State...for this type of contract?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, we've had a conference both with Senator Carroll and staff and...they're bannin about fifty thousand but neither are sure.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Even though I didn't get an answer, it was worth asking the question just to see Kunzeman and Garrett completely dumbfounded back there together.

PRESIDENT:

Any further discussion? Senator Savickas, you wish to close?

SENATOR SAVICKAS:

No, Senator Rock, I'd appreciate support for this problem.

PRESIDENT:

The question is, shall Senate Bill 1342 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? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 24 Nays, 1 voting Present. Senate Bill 1342 having failed to receive the required constitutional majority...sponsor requests that further consideration of Senate Bill 1342 be postponed. So ordered. 1346, Senator Welch. 1350 was on the recall. 1351, Senator Schuneman. On the Order of Senate Bills 3rd

Reading, middle of page 35, is Senate Bill 1351. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1351.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1351 is intended to prohibit the sale in Illinois of soda, beer or other beverages in cans which contain a pull tab opener. As you know, we've made great progress in this State by way of cleaning up a lot of the cans that used to litter our...our landscape. With the recycling of aluminum cans we pretty much eliminated a lot of the problem, but we still have most of the beer cans that are sold in the State equipped with pull tabs which people pull out and throw down on...in our parks and on our streets and our golf courses and...and everywhere and this bill seeks to eliminate that problem. When the bill was heard in committee, the only opposition was offered by Anheuser-Busch who indicated that they have machinery which they could not and do not want to phase out immediately, but the bill was allowed out of committee on the understanding that I would work with the representatives of that company, I've done that. They now have indicated to me that an effective date of December 31, 1987 is acceptable to them. We've amended the bill to put it in that position so...that's where the bill is now.

PRESIDENT:

There any discussion? Any discussion? If not, the question is, shall Senate Bill 1351 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 57 Ayes, no Nays, none voting Present. Senate Bill 1351 having received the required constitutional majority is declared passed. 1352. 1357, Senator D'Arco. On the Order of Senate Bills 3rd Reading, Senate Bill 1357. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1357.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you...thank you, Mr. President. This bill reduces from seven to three the number of days within which a rented car must be returned after mailing of a written demand by the rent-a-car agency. We passed this bill two years ago and the Governor vetoed it, but as I understand it, there was some misunderstanding and there really is no reason to veto a bill like this and I think he's...he's...he's on board now. Rent-a-car companies have somewhat of a problem with people who do not return the car. Sometimes it's willful and wanton and sometimes they forget or accidentally keep the car longer than they should. And this would protect the rent-a-car agencies more so than they've been protected in the past, and I don't know of any opposition and I would ask for a favorable vote.

PRESIDENT:

Any discussion? Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, just going to say that the sponsor is absolutely correct. This is a good bill and I urge you to support it.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Dudycz.

SENATOR DUDYCYZ:

Is that three business days or three calendar days?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

It actually...it doesn't indicate in the Statute, it just indicates within three days from the mailing of the written demand. So, I...I would think that...it really wouldn't matter whether it was calendar days or business days; as soon as the agency wrote a letter, three days from that date they could request the police department to initiate criminal proceedings against the...the person who rented the car.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCYZ:

How would that apply to a...let's say, a letter was post-marked right before Memorial Day where we have a three-day weekend?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

In practice what they do...they won't do anything until...they mailed the letter certified mail, return receipt requested and the police department demands from them the return receipt before they will initiate any criminal proceeding. So the whole procedure really takes around ten days or so.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1357 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 1357 having received the constitutional majority is declared passed. 1359, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1359.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What this bill does is repeals the prohibition against political contributions by insurance companies. We passed this bill two years ago...I'm sorry, last year we passed it...and the Governor vetoed the bill last year indicating his reason being that the insurance industry is strictly regulated by the State and there is an...there's a possibility of abuse of political contributions...the possibility of abuse is great. Well, everybody that does business in this State, from bankers, lawyers, doctors, beauticians, nurses, anybody that does business in this State is regulated by the State. I mean, I can't figure out why the Governor singled out insurance companies and grants them some special privilege that nobody else, no other group of people engaged in regulation by the State is granted. I mean, these is absolutely no logical reason why insurance companies shouldn't be in the same posture as banks, as savings and loans, as fiduciary...corporations, as lawyers, as doctors, as anybody else...I...as...as individu-

als, there's no reason why they shouldn't be. And I would...happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Marovitz.

SENATOR MAROVITZ:

Senator D'Arco, does the insurance industry want this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

I think they're...divided on the bill. I think some companies want the bill and some companies, you know, are lukewarm, some don't want the bill. I think traditionally they've...they've said, well, great, we don't have to give political contributions; you know, let everybody else give the contributions and, you know, traditionally, I think they've...they've got more earning power than anybody in the whole State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, the question is, shall Senate Bill 1359 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? Vote me Aye, Senator. Take the record. On that question, the Ayes are 43, the Nays are 5, 4 voting Present. Senate Bill 1359 having received the constitutional majority is declared passed. Senate Bill 1363, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1363.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

SB 1375  
3rd Reading

Thank you, Mr. President and fellow Senators. This bill as amended, provides procedures for the Department of Commerce and Community Affairs to follow in the decertification process; and the other piece of it, which is of some importance to the second floor, would increase the number of designations that could be made in 1985 from eight to twelve. It still doesn't change the overall amount of designations of enterprise zones. Answer any questions; otherwise, I'd seek a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1363 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 1363 having received the constitutional majority is declared passed. Senate Bill 1369, Senator Coffey. 1375, Senator Weaver. 1378...Senator Weaver. Senate Bill 1375, Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1375.

(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 1375 is the result of one of the recommendations of the Governor's Task Force on Racing. In order to revitalize horse racing in Illinois there's really only two practical alternatives. One is to reduce the privilege tax to a competitive level which would really cost the State about forty or fifty million dollars. And the other is to



provide for off-track wagering. Now, our privilege tax in Illinois is the highest in the United States, it's thirteen...thirteen times higher than New Jersey and Maryland, three and a half times higher than Florida and Kentucky, and really substantially more than any of the states which we are competing with. Now, I passed out a packet that gives you all those rates throughout the United States and you'll see that some of those rates are down to as low as a half of one percent. This...bill as amended would provide for the implementation of off-track betting. In Illinois it would be operated by a not-for-profit association council of twenty-five members from the race track's public representatives appointed by the Governor and confirmed by the Senate and representatives of the horsemen and the breeders. There will be no cost to the State, the race tracks will fund the start-up and the implementation and it will be supervised by the Racing Board. It is estimated that this off-track wagering system will have a handle of eight hundred and fifty million dollars a year. The association estimates gross income to be two hundred and six million, expenses of seventy-two million and the monies available for distribution to State and local government, to tracks and horsemen at a hundred and thirty-four million. I hope that with the information in the packet that I distributed it'll answer all of your questions, but if anyone has any specific questions, I'll be happy to try to answer them. Let me say that the distribution of the racing tax revenues supports the Ag. Premium Fund, the Metropolitan Fair and Exposition Authority...Reconstruction Fund, the local civic centers and a whole list of purposes from the Ag. Premium Fund such as the State Fair, county fairs, Ag. Extension, prize money for the fairs, local fairs, county fairs, salaries in the Department of Agriculture, home economic extension, et cetera. Since 1983, revenues have declined by seven...about seven million dollars and it's my

concern that we have a healthy racing industry in the State of Illinois to support these worthwhile programs. And if there's any questions, I'll be happy to try to answer them, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is...there discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I'm sure that Senate Bill 1375 will...will pass, but I really think that we ought to think very carefully about what...what we're doing to a segment of people in our society. I know there...that there is a tremendous need for new revenue in this State but I don't think that we should look for alternatives and initiatives that prey on the poor, the hopeless and the helpless. Off-track betting will be just another way for people who have no hope...to somehow believe that they can pull themselves up out of poverty and suffering by striking it rich. I don't think that Illinois is in a condition that we have to resort to these kind of initiatives by allowing off-track betting centers to be put into our communities where many of our children look upon their fathers and their parent as role models and...while they are taking their last dimes and going to those centers to...to wager with the hope of bringing home some more money to feed their families. I...I...I just think it's a sad, sad, day at this time that we would resort to this kind of initiative and even more so when there have been some other alternatives that have been slighted and have been laughed at, some that I have even proposed myself are far, far better, less painless than this type of initiative. And I would really ask all of you to search your conscience because the greater portion of this society, those people who are now able to make it will not be the ones who go and wager their money and use this type of services. It will be the poor and I think it's a shame.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have at this time, Senator Rupp, Vadalabene, Sangmeister and Jeremiah Joyce. Senator Rupp.

SENATOR RUPP:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR RUPP:

From what I understand is that there is a problem now, one of the problems is the fact that attendance is dropping off, and if this off-track betting arrangement supposedly is going to revitalize horse racing, I can't understand why you're going to make it easier, more attractive for folks to stay away from the track. If I can bet without going to the track, right from a...a nice little cozy place right next to the...the neighborhood where I am, I'm not going to go clear out with all that crowd and get in the parking problem and everything else, I'll stay home, I'll stay away from the track. There's no question about the good programs that are paid for from this parimutuel arrangement, but I just wonder, how do you think this is going to help it when you're going to encourage people to stay away from the track? And then we have some figures, and I think you have them too, Senator Weaver, that New York State...New York State has had exact opposite...occurring than what you presented will happen in Illinois and I want to know why it would be exactly different in Illinois. New York, the figures I have show that every year the city...the New York City's net return has been dropping about five million dollars a year since 1980. I can hear them just back in 1979 when they were considering this using the same arguments, we're going to help, we're going to revitalize. It hasn't happened there, how come it's going to happen in Illinois?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Senator Rupp, this is an entirely different concept than New York. New York is a state-run operation, this is a not-for-profit corporation, they're not bound by labor agreements and negotiated or...negotiated by the State, they'll do their own negotiating. So, you can't compare this with the New York operation, that's kind of a...a big bureaucracy that certainly this is not intended to be. The distribution from the revenues will go back to the 1983 level of attendance, parking receipts, et cetera, to offset a twenty or thirty percent decline in attendance at the existing tracks in 1983. So, they will be made whole, the State will be made whole, the communities will be made whole, back to those revenues of 1983.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Well, that's what...that's what my problem is. If...if you think that just getting back and paying the parking fees and everything else is revitalizing this...horse racing industry, I don't think so. If you were talking about keeping the other programs going, that's fine and that's where the money should go into the horse racing and into the...the development of the horse and the breeding of them; but it looks like what we're trying to do...this is just a revenue procedure and so that's why I sort of reject this idealistic thing about it being for the horses and for the good of the...the horse racing industry. I...I don't think so.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

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END OF REEL

REEL #6

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 1375 and let me preface first before I make my statement that yesterday we passed the downstate bill for Balmoral, Fairmont and Quad-cities and it was through the effort of the major tracks that that was accomplished. Off-track betting is an issue that has been in the headlines a lot lately and we've heard a lot of evils and we're heard a lot of good, but these are the facts, the Illinois horse racing industry is a serious...is in serious economic straits. Revenue to the State, the horsemen and the tracks have declined for each calendar year racing from 1980 to 1983. In 1984, revenues to the State declined but increased for horsemen and remained the same for tracks with the...implementation of intertrack...wagering, and compared with our sister states, Illinois is receiving an inadequate return. This is a solution. Off-track wagering will...preserve and increase revenue to the government and make the Illinois racing industry highly competitive with our sister states. Projections show that within three years, a fully mature off-track betting Statewide system in Illinois will generate from eight hundred million to nine hundred million in handle. It would initially reduce annual on-track handle by approximately two hundred and fifty million. Off-track betting should be implemented as a method to preserve government revenue while allowing the Illinois racing industry to be competitive with the other states. They need this shot in the arm and support Senate Bill 1375.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, thank you, Mr. President and members of the Senate. It appears that the erosion that started in the State of Illinois a while ago is going to continue. We started off by taking care of grandma with her bingo and we quickly slid over and endorsed a Statewide lottery system and now we're going to have off-track betting, and as I understand sitting across the Rotunda, the next thing we're going to have is...casino gambling and the State of Illinois might as well become another Las Vegas. I imagine whether you support or you don't support this kind of legislation will depend upon your viewpoint, but I'll tell you one thing, you can't sell me on this piece of legislation on the base of the revenue that it's going to produce; because if this was such a sure fire thing, why are we receiving twenty million dollars estimated because it's coming out of the profit, why aren't we getting our percentage right off the top and let the harnessmen take the...the chance as to whether or not this is going to be a profitable venture or not? I'll tell you the reason why you're not getting it off the top is the horsemen aren't going to take that chance either. So you're right in the...the scheme of things with them but I think that we should have gotten a percentage, as usual, right off the top. As far as whether this works in other jurisdictions, I think Senator Rupp alluded to New York and I might say I have a press release from the Comptroller of New York dated just two months ago in which he said that, "The City of New York is going to have...to stop seeking a quick fix for its financial ills and start tackling the tough job of cutting costs and streamlining organizations. Off-track betting has been relying for years on...by the expansion of simulcasting to boost its revenues and eliminate the need for major...economics. Indeed, off-track bettings first simulcasting venture under a new State law ran up a net loss

of four hundred thousand dollars." Comptroller Reagan went on to state that, "the off track betting profits have been squeezed by mounting costs and stagnant revenues and New York City is the big loser. Residual revenues turned over to the city have dwindled from forty million in 1977 to only ten million in Fiscal Year 1984." And I would say to you, as Senator Collins has indicated, out of that twenty million dollars the State of Illinois is going to go, if you think that's going to be all profit, you got another guess coming; because you can quickly deduct from that twenty million dollars the cost of social welfare programs that are going to have to be instituted to assist these off-track players who are going to gamble away all of their family income. Off-track betting, without question, in my opinion, will breed compulsive gambling. And another claim that this will drive organized crime out of the...the off-track betting business is pure speculation because contrary to that claims experience has proven that bookmakers thrive on legalized gambling.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, if you'd bring your remarks to a conclusion.

SENATOR SANGMEISTER:

I will do that. The introduction of off-track betting in New York has led to an increase rather than a decrease in the incidents of illegal betting, but I think your whole program is fraught with some problems anyway because, how you going to get this signed into law? I remember our Governor who said in 1978, if the people of Illinois want off-track betting, they're going to have to get themselves a new Governor. Which are we getting, a new Governor or off-track betting?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I...I will take the off-track betting if you can



deliver on the other. I find it difficult to vote on this question because I don't understand what the numbers are. I've...I've read an editorial from one of the Chicago television stations that they send out to us which indicated that the horse people would get around a hundred and ten million, I believe, and the State was going to get less than forty million. Now I hear numbers tossed out here the State getting twenty million, I mean,...I...the...the...I've...I've read these releases...I've read that but that comes from those...that comes from the...from the people who are interested in having this legislation passed. You know, the concept is one thing, whether we should have it or shouldn't have it in terms of the morality and all that, but if...if we are going to make a decision on this, at least we should know what the State is going to get out of this. You know, if we...if the State is being shortchanged, if we're talking about a...more than two to one ratio, the track people getting the better end or the...the...the...and...and us being left with the...the long odds, you know, I don't think that that makes a lot of sense given the economic problems that we have right now. Senator Weaver, maybe you could help.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Yes, Senator Joyce, first off, after the expenses which are estimated at seventy-two thousand dollars, those...1983 levels will be made whole. So, we will go back to a revenue of 71.2 million...the tracks will go back to their same revenues at that time and basically the profits will be split three ways between governments, the tracks and the...and the owners and breeders. That is stipulated in the bill, that percentage. So, it's estimated that in full operation there will be about sixty-six million dollars to be split three ways between government, the tracks and the horsemen to

increase purses, breeding purposes and...and this...the same formula that is now administered by the racing board. So if you'll read...I think it starts on about page 20 of the bill...of the amendment which is the bill, it stipulates those exact percentages but, number one, we will go back to the 1983 level of seventy-one million dollars first. Did I answer your question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Joyce.

SENATOR JEREMIAH JOYCE:

You...you probably did, but I probably don't know enough about it to understand it other than to say that, you know, it's...you're keeping the same formula but it...it seems to me that the State...State or government, State and...and local government is getting about a third and the people associated with the tracks are getting two-thirds. Is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

That is about the same proportion that is given now. Any revenues, any profits after expenses are paid and the tracks, the horse owners and municipalities are made whole at the 1983 level will be distributed again on a third, a third, a third.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

I'm just...want to ask a few questions about where the money is going...since I represent two communities that have race tracks and have a substantial amount of revenue that comes from those race tracks, Stickney and Cicero. What...what will their compensation be as regards to losing money on attendance at the race track?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, there again, we go back to the 1983 level of revenues for those tracks, for those municipalities for parking fees, admission tax, et cetera.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR WEAVER:

So, whatever they got in 1983, they would be made whole again. Right now,...our...our revenues to the State are down about seven million dollars from the 1983 level. So, I presume, under the formula, their revenues would be down a lot...a portion of that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LEMKE:

And then what portion of this new revenue generated would the County of Cook get since...about eighty percent of the race tracks are in Cook County?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

That would depend on the licensing fees and the arrangements made between the not-for-profit corporation and the city.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LEMKE:

I didn't ask the question about the city. I asked a question about the County of Cook who has the responsibility of more than just a city. They have...there's race tracks that are in unincorporated Cook, there's race tracks are in incorporated towns. Right now, my understanding is, out of

this premium fund that we get, Cook County generates over eighty percent and gets back less than fifteen, and I want to know what...what guarantees Cook County is going to get to run their State Government?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR LEMKE:

Since it's our money, it's our...it's our people that are going to be playing...betting, you know, we got...we got shortchanged in the lottery and I don't want to see Cook County...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator...Senator Weaver is ready to answer.

SENATOR WEAVER:

Senator Lemke, if there is, say an establishment in the unincorporated area, that portion of the profits derived from that area would go to the unincorporate area or Cook County.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, would you bring your remarks to a close? Senator Lemke.

SENATOR LEMKE:

Well, it's my understanding in a unincorporated area, they do not get the admission's tax. Cook County does not get that admission's tax in the unincorporated like I think, Maywood,...that...there's no admission's tax that goes to Cook County, that's my understanding. Now, I could probably support something like this if this new...if I was guaranteed that this new revenue would go into something to take care of the social programs and the education in that community that it's going to take the money from, but how can we support something...I know on...in the City of Omaha, the money that's generated from Alhambra Race Track goes into the City of Omaha for education, and....and...and I think this would be a laudable purpose. If we're going to go gamble and we're

going to take gambling and raise money, then it shall go into something that's going to be worthwhile to the State, and the most worthwhile thing to the State is education, the next thing is social programs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, would you bring your remarks to a close?

SENATOR LEMKE:

I...I am going to vote Present on this bill because I want to...I don't know where the monies are going, I don't know what guarantees we are. All I see is facts and figures but no guarantees to social programs...there's no guarantee that we're going to set up a gambler's anonymous program to take care of these people or anything like that, and I think we should be involved in this and I am personally going to vote Present.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Does the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAHAR:

Senator Weaver, I understand that we don't have a feel for the exact amount of money that will be going to the State and local government, but I'm...I was wondering could you tell me...explain to me how the money would be distributed to local governments and which...which local governments are we talking about? Any...anybody with the ability to...to levy a property tax?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, it...Senator Mahar, it has nothing to do with property tax. The cities that have tracks in their communities,

by ordinance, have invoked a...an admission tax and a parking tax of...from ten to fifteen percent. Now, that's been going down as track attendance has gone down, so in that hold harmless or...I'm...I'm saying that we go back to the 1983 base year to compensate these municipalities who have taxes on parking...admission taxes of, say, ten or fifteen percent, that will increase their revenue back to that base 1983 level.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

So, therefore, the only revenue that will be...the only communities that will be benefited from this additional revenue are those communities that have race track facilities within their boundaries. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Excuse me, maybe I...I should clarify the...the revenue. Say we're projecting revenues of sixty-six million dollars after, say, three years of operation, a third to the tracks, a third to the horse owners, a third to the government. From that...government share it is split between the State and the municipalities. That's...the over and above profit after all this hold harmless...a base on 1983 revenues is taken into consideration, that is the projection, about twenty-two million to be split between State and local governments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar, and would you bring your remarks to a close.

SENATOR MAHAR:

Yeah. So, therefore, my community...I don't have a race track in my district, so my local municipalities will not be but...the beneficiary of any of this...of any of these reve-

nues...and...one further question, does a community have to have an off-track...what if they don't want an off-track betting facility in...in one of my communities? Do they have any provision which they can prevent that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

First, let me say that if there are off-track parlors in your communities, then they would participate in that revenue. Now if you didn't have any off-track betting parlors in your community, no, you would not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further...Senator Mahar, would you bring your remarks to a close?

SENATOR MAHAR:

I'm sorry, yes, I will. I...I'm sorry. And...but if...how do we...if a community doesn't want an off-track betting facility within its boundaries, can they not have it? Can they insist that there not be a...a...one of those facilities within its municipal corporate boundaries?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, you certainly don't have to have any. These are contracted by the non-profit corporation under the supervision of the racing board; the city council could pass an ordinance that they do not want racing parlors in their community and they wouldn't have any, they couldn't establish there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. Just briefly, I rise in support of this legislation. After

listening to the...the debates as to why it should not be, as I look at the race track that's around the City of Chicago and I look at the people who attend that...attend those race tracks, it amazes me that why one doesn't rise in support. If you are opposed to gambling then...introduce the legislation to abolish it...racing in the State of Illinois, but if people are going to gamble...if they're going to bet on horses, as...as they have in the past, and it...and the people who attend those race tracks that's around the City of Chicago, I will estimate eighty percent of them come from within the corporate...limits of the City of Chicago; and at least, under this proposal, some of those revenues will go back to that local unit of government, and for that reason alone, I will support this legislation because it will generate some of those funds back to the local unit of government. Those persons who are going to gamble are going to gamble and some of those tracks are far, far away; but it amazes me any time I've attended those tracks, those same persons who say, they can't get there, they're out there gambling and they're betting and they come from all sections of the State and all sections of the City of Chicago, so as a legislator who represents the city as well as the...south suburbs, I hope this legislation pass. At least some of the gambling down as far as racing is concerned will go back to the community from which the people come from. Right now, you're not getting those funds and we have fought this over the years about the Agriculture Premium Fund as it relate to the City of Chicago, but this way you will get some direct monies if the city council and the mayor of the City of Chicago adopt an ordinance to enter into agreement and to have racing parlors located in the city. So, I think it's a very good piece of legislation and it should have all-around support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.



SENATOR D'ARCO:

Thank you, Mr. President. I rise to support this bill and I think that...what we have to understand is that right now at the 1984 level of revenue the State is receiving from the parimutuel tax about sixty million dollars in tax revenue from horse racing in...in Illinois. What the bill says is that they guarantee the State the revenue they received in 1983 which was around sixty-four million dollars. That means that the State automatically, automatically, as soon as the system is in place, will receive four million dollars more in tax revenue than they received in 1984. Now, after the operating expenses and after the distribution to local governments, the State will receive in 1986 approximately another five million dollars, so there's no question that it's going to be beneficial to the State. As far as the New York experience is concerned, we have to remember that that off-track betting system was run by the State of New York and governmental...government officials ran that, not the horsemen and that's a big distinction. This system will be run by the horsemen. They are involved in the business. They know how many parlors to create. In New York, there was an over-saturation of betting parlors, and let's look at the figures; New York City still receives ten million dollars in tax revenue from off-track betting, that's just New York City. Ladies and gentlemen, this bill will create jobs for people and that's what Illinois is all about. Vote for this bill, it's going to help the economy of this State and it's going to be good for this State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Will the sponsor yield to a question or two?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR LECHOWICZ:

Thank you, Mr. President. Senator, based upon the New York experience, and that's what this bill is, I believe, trying to track in some way, my understanding is that the City of New York generates about forty-five million dollars out of the sixty million dollars...in the State of New York. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, number one, it's not modeled after the New York bill and I can't answer your question. I know that they're still making a good bit of money in New York, but I can't...I can't quote you the figures. I think probably somewhere I have them and I...but I can't quote them at this point.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you. I think it's important that we try to relate, if this bill passes, which area would generate the amount of money and how much money would be coming back to that area that generates off-track betting revenue? And the question that was raised before by a number of other members of this Body dealt in that area that you're contemplating receiving sixty million dollars in additional revenue and they break down, basically, one-third, one-third, one-third. Out of the twenty million dollars for units of local government, how much would come back to the City of Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Senator Lechowicz, it would be a percentage of the total amount bet in the parlors located in the City of Chicago, and

I would presume that...or the bulk of the money bet would be in that city...the bulk of the revenue, the handle created at the parlors would be in the City of Chicago.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

That doesn't answer my question, Senator, and I'm...let me rephrase it. How much money would come back to the City of Chicago out of the twenty million dollar take which presently they have...broken down between the State and units of local government is twenty million dollars, of that twenty million dollars, how much has come back to the City of Chicago? Not a percentage, dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

If you're talking about a hypothetical case, if eighty percent of the bets were from the City of Chicago, they would receive that percentage of...of the total revenue. I can't give you the dollars. I...we don't know what...how many, how soon or...or...or what the betting pattern is going to be. There may be twenty betting parlors in the city. I don't know. That will be up to the board to establish those numbers and locations.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR WEAVER:

There's no way that I could project how much money it's going to be but certainly your percentage would be the greater...greatest of any area in the...in the State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz, and would you bring your remarks to a close.

SENATOR LECHOWICZ:

Thank you, Mr. President. I'll try. What is the percentage then that would be brought back to the City of Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

They would get a half of the third. Say the third being twenty-two million dollars, and the State getting half and the municipality getting half, so it would be a half of the third of their percentage that was bet...or generated in the city.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

And I will bring my remarks to a close, that answers my question. Is that...what is that based upon? Is that based upon what...what they do in New York and other states? And my last question, Mr. President, would be, who would determine where these off-track betting sites are located in the City of Chicago? Is that up to the city council?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

No, that would be off...up to the Off-track Commission of twenty-five, under the supervision of the Illinois Racing Board. Guidelines will be set up, a proposal be made to the racing board for their approval, so it will be up to this nonprofit corporation to establish these parlors wherever they deem them profitable, I presume.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Does that mean that you could come into my community and open up an off-track parlor next to Webber High School or

Foreman High School?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

No, they will be subject to zoning rules and regulations by the city. The city will have to license them and give them a permit. It'll be up to the zoning or...or the city council.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I really don't think that you have to spend hours going through the materials that have been distributed figuring out what kind of industry we're dealing with here today. I think you can just talk to a few folks who travel to the track a few times a year. And I think if you do that, you'll find out that over the last few years there aren't as many good horses racing, the purses are down, we're dealing here with an industry in decline, and I don't need to read any of the material that sits in front of you because I've talked to enough people who can verify that firsthand just by their visits to the track. I hear a lot of talk about the effect of off-track betting at the track, and the only answer I have to that is, I don't understand why an industry would be in favor of a bill that in three or four or five years they think might put them out of business. So, I would imagine that if the industry supports this it's because in good faith they think this good for them, in terms of their revenues, in terms of the revenues for the State of Illinois. I would think that off-track betting would send a signal to the industry, to send a signal to the good horsemen out there that have passed up Illinois and have taken their horses to other states and to other tracks, and that signal would be,

we want you, we're serious about this industry, we know it's going to benefit horsemen, we know it's going to benefit track owners, but we also know that it's going to bring additional revenues. I don't think the question here today is whether or not new revenues will be lost if we don't pass this bill. I think in addition to that there's a question as to whether or not existing revenues, which we enjoy today, will be around two years or three years or four years from now when this industry continues to decline. There are certainly some valid questions that have been raised about what this industry will look like three, four or five years from now. Frankly, I think, this bill is a chance we must take. We sit here and talk about education reform. We sit here and talk about raising the level for welfare recipients. We've got all kinds of big ideas of how to spend money. Well, I recognize that this isn't the solution to any one of those problems, but it's going to help, and for that reason, I think we ought to vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this bill as a member of the task force commission that helped to put the pieces together. It was a good commission and looked at it inside and out, through every possible way you could...you could put this together and I think the resolution to this situation has been a positive one. Following Senator Kustra is...is difficult because he said much of what I wanted to say, because I think we're most concerned with an industry in decline that could ultimately cost us in the long-run. I also speak in terms of an enlightened district interest because I have three tracks which surround my district and an impact upon the economy of those communities in that area very, very sig-

nificantly in an area which is older, an area which has lost a lot of jobs because of factories which have left which has...has had some rough economic times. If, indeed, we allow the tracks to further decline, we just go after the same type of areas that are represented in a lot of cases by people like Senator Lechowicz or Senator Lemke or people who are on the southwest side of Chicago which are very similar to my eastern flank, and I think this gives a little opportunity and a look toward the future. We certainly don't want to shut it down and doom them once more to something that they could lose. Just in the...in the amount of tax revenues that our tracks have provided for our local communities it's been phenomenal, not to mention jobs, not to mention social services, public services, help wherever we've needed them. I think anything that we can do to help on that front is...is very...is just good, and I think the point that Senator Kustra makes is just one of sheer competition. If we can't get the best horses in the country to come to Illinois, the people aren't going to come either. I mean, I think we saw when the Cubs were doing real, real well, how those ballparks were just filling up, all of a sudden it was really exciting to be there. Well, the same thing goes, if we can't get the...the good horses to come from out-of-state, why should people come? It's...it's a try. It's an effort. I don't think it should be denied at this time, and I would encourage a positive vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

...sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAROVITZ:

Senator Weaver, will the take or that amount which is

divvied up depend at all on the number of facilities in a municipality or the amount of take at that particular facility?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Certainly, I'm sure that it will be determined by the number of outlets but the percentage will still be whatever is generated in the municipality or the unincorporated areas for distribution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

So, in other words, when we talked about the City of Chicago getting a...a third of...a half of a third, I think it was, so essentially a sixth, that would be a third of a third of the...of the money that was taken in the facilities within the City of Chicago. If we only had one facility and...whatever...whatever...whatever was...was generated at that one facility, we'd only get half of a third at that one facility. So...obviously, it would be in the interest of the municipality if they wanted greater participation to have a greater number of facilities. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

...now in regards to the facility itself, would the facility itself and...and the ownership of the facility that is being leased by the authority or the corporation, would the facility itself have greater participation or



greater...a...a greater lease arrangement if the take at that facility were greater? In other words, would they...would...could their lease arrangement be one that was structured in such a way as to depend on the...the take at the facility?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Certainly that would be a business judgment made by the non-for-profit corporation management as to what kind of leases they enter into, how much they have to pay, what they provide in the way of services and...and amenities. I don't think that the generation would necessarily...I don't know maybe they...maybe they in their lease arrangement would decide that a percentage of revenue generation would be...I don't...there's nothing in this legislation that says that they have to pay a certain amount of that which is bet at the...at the parlor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz, would you bring your remarks to a close? Senator Marovitz.

SENATOR MAROVITZ:

What kind of caveat or restrictions or direction are we giving to the corporate authority in terms of these lease arrangements? In other words, are we leaving it totally up to management or are we giving some direction and caveat to the management as far as what they can and cannot do with the...with the lessors?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

They will have to come up with a proposal, bring it back to the Illinois Racing Board for their approval. All of these judgments will have to be more or less okayed by the

Illinois Racing Board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR KARPIEL:

Senator Weaver, you said before...and I just want to make sure of this, you said before that if a municipality did not want one of these parlors in their boundaries that they could pass an ordinance saying they did not want one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

That is true.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

That is written in the bill and that includes all municipalities or just home rule?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

They would be subject to local...or local ordinances governing...business licenses, et cetera, zoning regulations, whatever. Any municipality in the State whether they be home rule or nonhome rule could preempt their establishment in their municipality.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Well, I just wanted to make sure on this because I know

that there are problems that we have, and I'm sure everyone else has, trying to get some kind of a business that is not quite what the residents would like to have in their municipality, trying to get it out when it's already...is...zoned B2 area and they...they...meet all those requirements. It's...we've had problems in that area of trying to then get them out of town.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, Senator Karpiel, any municipality could prohibit the location of a betting parlor in their jurisdiction. Any county could do the same thing by a county ordinance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have Senator Collins and Senator Mahar wish to speak for the second time. Senator Collins.

SENATOR COLLINS:

Yeah, Senator, I...back on...on Senator Karpiel's question. Now you're saying that the law as it is now, that the...that the local unit of government have to pass a ordinance to opt out, not to opt...if they wanted opt in.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

It's not a question of opting in or opting out. It's a question of passing an ordinance to prohibit if they so choose; to prohibit, not allow.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Well, I clearly understand that, but I'm saying that if...if they did nothing...if the City of Chicago did nothing after this law...were signed by the Governor, became effective, then they can...they can go in...into Chicago and set

up these...if it's...if it's...if it's approved by zoning. The area is approved according to the zoning rules and regulation. Is that basically what it does now?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates it does. Yes.

SENATOR COLLINS:

Okay. Do you have any provisions at all for local input by the residents of a community to have a hearing, to have some input into whether or not they want these things to be in their community?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, they can certainly...we can't tell the cities what to do. They could all...they could attend the hearings of the Illinois Racing Board and as a neighborhood group advise them not to establish in this certain neighborhood if they felt strongly about it, but that's the right of any citizen. These are open meetings. They can appear before the racing board and...and ask them not to establish a parlor in any vicinity in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Senator, we have passed legislation here providing for local input and there have been Federal laws to...to provide for local hearings into this...you know, for...for various types of...of...of laws passed affecting the community. Why not this? I'm not so worried about the west side of Chicago; believe me, in my center, we led the way for closing down off-track betting before...it was little Earlean Collins and little Jesse Madison that did that, and I guarantee you, won't be one of these centers on the west side of Chicago in the 9th District.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I was prepared to vote against this bill but after doing some research, when I know that off-track betting is going on right now illegally and we are not getting...any benefit from the funds, I think if off-track betting is supervised by the State and as...this bill seems to indicate it will be supervised, I think we're probably taking a step in the right direction, because how are you going to monitor the bookies that are existing now? And talk about gambling...people who...want to gamble, they're going to gamble no matter what. Your stockmarket is the biggest gamble and yet no one seems to think anything wrong about it. I would say that this bill...since it was recommended by the task force, and since it will generate approximately eight hundred million dollars, which we need in the State without taxing our citizens, I who was prepared to vote against it, I'll be glad to take the heat back home and say, well, I'll vote for it and let's see how it goes on, I got three more years, God willing, and if it doesn't do it right...it isn't done right, believe me, I'll be the first one to try and amend the law. I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar for the second time.

SENATOR MAHAR:

Thank you, Mr. President. I apologize for rising the second time and my comments will be brief. I question what the sponsor has indicated that local zoning can solve the problems as to whether or not a community does not wish to have one of these off-track betting facilities within its boundaries, and I go back to experience that we had in my community several years ago when messenger services were in

vogue, we tried to...we sought through the courts to...to close down those messenger...or a messenger service and the court ruled that the...that use which was in a commercial area, a...a B2 zoning, that use was consistent with that zoning and we had no power as a nonhome rule community to close them, and I'd be very concerned...and I am very concerned that in...my district is mainly nonhome rule communities and I would be very concerned that the...that if this bill was to pass that we would have one heck of a time if they...if this commission...demanded one in one of my communities, we'd have one heck of a time keeping them out. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Our last speaker on our books is Senator Rock. Senator Rock.

SENATOR ROCK:

We are now coming...coming down the stretch. Thank you. Yes. Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 1375 for a couple of reasons. One of the misconceptions and I...I just want to disabuse anybody of that idea immediately, 'cause I know Senator Lechowicz had a concern about the high schools in his area and Senator Mahar has a concern, this is not a messenger service. What is being proposed here is an enormous capital investment by the horse racing industry which will cost the Government of Illinois not one nickle, and when the profits are realized, the State and the city, the municipalities will share in the tax revenue, we'll share in the largess; but the fact of the matter is, this is a business, and Senator Collins and the others, there isn't this council, the Governor's task force, any one of them you talk to, they are simply not going to open where they are not wanted because that does not make a profit. The messenger service was a banded operation. Now the figures that the task force has

put together would indicate their whole projection is based upon a per capita expenditure of twenty cents per person per day, and the fact of the matter is, where there...where there is even more legalized gambling, such as in Florida, the figures are much, much higher. So, I think they have deliberately, as a responsible group, taken a low projected figure and they projected some eight hundred and seventy-eight million dollars will be the handle out of which, at no expense to the governments, the governments will share in some sixty-six million dollars. I happen to think, frankly, it'll be much higher than that, but the fact is, that's where it's going to start. And the second thing is that all of these questions, where shall the facilities be and how many should there be, should there be a minimum number or a maximum number, all of this is under the absolute general supervision of the Illinois Racing Board, who by Statute and by their own rules and regulations have adequate notice...and provision for public hearing. I...I just...don't equivoicate this with the messenger service. This is off-track betting and it is different also than was that in New York, because in New York the state undertook to do the whole thing themselves and they, frankly, didn't know what they were doing. They had too many parlors. They had poor operation. This will be run as a private business and the parlors will be comfortable, attractive and will provide other amenities, obviously, with an attempt to increase those who utilize the facility. It's a profit making business. To view it as anything else is simply unrealistic. Off-track betting, I think, is something that will ultimately be of great benefit to the Government of Illinois and the cities and its villages across this State for those who wish...who wish to participate, and if they don't wish to participate, they certainly don't have to. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver may close.

SENATOR WEAVER:

Well, thank you, Mr. President. I just...there's been a great deal of discussion. We've taken up a lot of time. I just want everyone in this Senate to know that I go to the race track once a year, religiously. I think it's good for the...support of what the Ag. Premium Fund goes to and that is my concern in sponsoring this bill to have a healthy Ag. Prem. Fund...Ag. Premium Fund, and that's why I ended up as sponsor of the bill. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1375 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? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 26, 1 voting Present. Senate Bill 1375 having received the constitutional majority is declared passed...Senate Bill 1378, Senator Jones. 1382, Senator Smith. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1382.

(Secretary reads title of bill)

2nd reading...3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1382 merely permits the school officials to withhold information on the whereabouts of any child removed from school premises when a child has been taken into custody as a victim of suspected child abuse. There was an amendment put on this bill because it was not clear...as to whom we were speaking of when we were talking about withholding the information, and so...in this amendment it makes it



clear that the suspected person abusing that particular child is the person whom we're intending to keep the information from. I ask for a favorable vote.

PRESIDENT:

Any discussion? Senator Schaffer.

SENATOR SCHAPPER:

...how...I'm just curious how this works. Our analysis isn't too detailed. Let's say that someone phones an anonymous phone call to a school that alleges that I have been abusing one of my children, and the child shows up with a black eye which he got in a ball game and then for some reason, you know...does that set the wheel in motion?

PRESIDENT:

Senator Smith. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. No, this merely permits school officials...a child in school that has been suspected of being abused by someone of the family.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAPPER:

What do they base their suspicions on...what I'm concerned about is a situation where someone, you know, you...your child may have fallen out of a tree and be fairly bruised up and I...frankly, I've got three boys and they're pretty good at bruising themselves up, and a couple of crank phone calls and I go to pick up my child and the school says, sorry about that, guy, and, you know, what protections are there? And in the way we word these things, we put the onus on the school district and we hold them liable if they don't do this. What protection is there? What...what causes the...you know, and we all know there's some weird people loose in this world that abuse children, but there are also some weird people that make false accusations loose in the

world, and I don't want to hear from any of my parents that their kids have been spirited off by Big Brother Government on some erroneous information.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, sir. There are many suspected children who are being abused in schools and through their districts, and if the information comes to the officials of the school and this happens to be true, it is the...the school board of the district, should I say, to protect that child in case one of the parents or...the guardian or whoever is suspected of abusing that child, they have the opportunity withholding information if they take that child in custody to try to keep it in a safe...element until they can act on it. That's happened in many instances.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

In my locale, twenty percent of the reports to the health department are erroneous. A large percentage of the calls to the child abuse hot line are erroneous. A large percentage of the fire alarms set in this country are erroneous. There are a lot of weird people out there, and I don't want to pick up my kid at school and find out that because of three or four anonymous calls my child has been spirited away. There's got to be...and how long...how long am I...is...has Big Brother spirited my child away for? A day, two days, seven days, what's the end of the time period?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. For your information, Senator Schaffer, I'll take this out of the record for the time

being, but it is a very, very good piece of legislation.

PRESIDENT:

All right, the lady has requested leave to take it out of the record. I think in the interest of everybody's mental health, that's enough for today. Yeah, right. Now wait...just wait, we have a couple of housekeeping things; Senator Maitland has a resolution, Senator Philip has a resolution, we have Senator Schaffer's House bill on 2nd which I think we should agree to move to 3rd with the understanding that the gentleman will call it back tomorrow. All right. With leave of the Body, we'll move to page 67 on the Calendar. We'll go to the Order, Mr. Secretary, of House Bills 2nd Reading for House Bill 370. It's on the top of page 6-7, 67 on the Calendar. I'm told that Senator Schaffer and Carroll will have an amendment to present...Senator Carroll has, in fact, distributed an amendment. Should we put it on today or do you want to wait until tomorrow? All right, the amendment has been distributed. If there's no objection, I guess we can put it on today and call it back tomorrow. All right, why don't we wait. I...I...all I want to do is try to get everybody out of here. People are getting a little antsy. On the Order of House Bills 2nd Reading, House Bill 370. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 370.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor? Senator Carroll, will you withdraw your amendment for the time being? Senator Carroll.

SENATOR CARROLL:

Yes, with the understanding it be brought back tomorrow, I'll withdraw my amendment at this time.

PRESIDENT:

All right. Any amendments from the Floor?

SECRETARY:

No...no Floor amendments.

PRESIDENT:

3rd reading. Yes, Senator Carroll.

SENATOR CARROLL:

To save a lot of expense and time, on behalf of the Secretary of the Senate, if the members would notice that they've got this large amendment, I don't think we should have to distribute it again.

PRESIDENT:

Yes.

SENATOR CARROLL:

Let them...just be aware of that it's around and spend all night reading and reviewing it.

PRESIDENT:

I would ask the members to take that amendment and put in their pocket so they bring it with them tomorrow. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 232 offered by Senators...Smith, and it's commendatory.

Senate Resolution 233 offered by Senators Dunn, Sommer and all Senators, and it's congratulatory.

Senate Resolution 234 offered by Senator Smith, and it's commendatory.

Senate Resolution 235 offered by Senators Lechowicz, Nedza, Rock and all members, and it's congratulatory.

And Senate Resolution 236 offered by Senator Demuzio and all Senators, and it's a death resolution.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 236 offered by Senator Maitland.

PRESIDENT:

Senator Maitland on Senate Resolution...

SECRETARY:

...237.

PRESIDENT:

...237. Will you put it on the board, Mr. Secretary.

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I'd like to ask leave of the Body to waive the Six-day Rule and ask for the immediate consideration of Senate Resolution 236.

PRESIDENT:

237, Senator Maitland. Senator Maitland has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 237, it's a congratulatory that he's going to bring with him. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Maitland now moves the adoption of Senate Resolution 237. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President. I'd like leave to remove Senator Kustra and put on Senator Philip-Rock on Senate Bill 1273, Senate Bill 1415 which will be vehicles, perhaps, for some tax increase to fund education.

PRESIDENT:

All right, the gentleman seeks leave to show Senators Philip-Rock as the chief cosponsors in lieu of Senator Kustra on Senate Bill 1273 and 1415. Without objection, leave is granted. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I also ask leave to put Sena-

tor Rock on as the cosponsor on Senate Resolution 202 and move to discharge the Executive Committee and for the...immediate consideration of Senate Joint...Senate Resolution 202.

PRESIDENT:

All right, the gentleman seeks leave to show Senator Rock as a cosponsor of Senate Resolution 202 and has moved to discharge the Committee on Executive from further consideration of Senate Resolution 202 for the purpose of its immediate consideration and adoption. All in favor of the motion to discharge indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senate Resolution 202, Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate...Senate Resolution 202 deals with United Air Lines which is purchasing some forty-three percent of Pan American's flight in Asia. All this...does is suggest that Congress take it up immediately and expedite that. It's...quite frankly, as you know, United Airlines is an Illinois corporation and it should be a plus for Illinois and for United Airlines.

PRESIDENT:

All right, Senator Philip has moved the adoption of Senate Resolution 202. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Further business to come before the Senate? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I would like to be shown as a sponsor...hyphenated sponsor of Senate Bill 624.

PRESIDENT:

The gentleman seeks leave to be shown as a cosponsor of

Senate Bill 624. Without objection, leave is granted. Tomorrow morning at nine o'clock, we will begin on the Order of Recalls and then go to the Order of...Senate Bills on 2nd Reading. I would ask the members to be prompt and in attendance. It is our intent to conclude our business by one o'clock. So, we will run through the Calendar and try to get everybody out of here. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Thank you, Mr. President. I would like to have leave of the Body to have Senator Watson shown as the lead sponsor on Senate Bill 1136 and myself hyphenated.

PRESIDENT:

All right. The gentleman seeks leave to show Senator Watson on Senate Bill 1136. Without objection, leave is granted. Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

I'd like permission to add Senator Holmberg as hyphenated sponsor to Senate Bill 1212, which I'm the principal sponsor of.

PRESIDENT:

All right. The gentleman seeks leave to add Senator Holmberg to Senate Bill 1212. Without objection, leave is granted. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, just a point of clarification. As I understand it, you're now saying our schedule tomorrow, as best you can tell, will be nine to one?

PRESIDENT:

Yes, sir.

SENATOR BARKHAUSEN:

Earlier, I think you indicated ten to one-thirty.

PRESIDENT:

Well, I...I tried to say ten and I got shouted down.

Everybody wants to start early and get out early. Nine o'clock. Nine o'clock tomorrow morning. Senator Lechowicz and I will be here...at seven as usual. Nine o'clock and we will conclude by one. Senator Dunn, for what purpose do you arise, sir?

SENATOR DUNN:

Thank you, Mr. President. I...I'd like leave to be shown as a hyphenated cosponsor of House Bill 167 with Senator...Welch.

PRESIDENT:

All right, House Bill 167, the gentleman seeks leave to be added as a cosponsor along with Senator Welch. Without objection, leave is granted...Senator Dunn.

SENATOR DUNN:

...and...and to be added as a cosponsor of Senate Bill 202...Senator Marovitz.

PRESIDENT:

All right, Senate Bill 202, the gentleman seeks leave to be added as a cosponsor. Without objection, leave is granted. Senator Hudson, for what purpose do you arise?

SENATOR HUDSON:

Thank you, Mr. President. Seeking leave to be added as a hyphenated cosponsor of House Bill 228. Now that's not on the Calendar yet. Is this in order or not?

PRESIDENT:

No, if it's not here yet, we can't do anything about it. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Yes, Mr. President, I'd like to request leave to be added as a hyphenated sponsor on Senate Bill 300. It meets with the approval of the sponsor.

PRESIDENT:

All right, the gentleman seeks leave to be added as the hyphenated cosponsor on Senate Bill 300. Without objection,



leave is granted. Any further business to come before the Senate? If not, Senator Hall successfully moves that the Senate stands adjourned until Friday, May 17, at the hour of nine o'clock, 9:00 a.m. tomorrow morning.