

84TH GENERAL ASSEMBLY

REGULAR SESSION

MAY 21, 1985

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour of ten o'clock having arrived, the Senate will come to order. If the members will be at their desks, our guests in the gallery will please rise. Our prayer today will be by the Reverend Rudolph Shoultz, Union Baptist Church, Springfield. Reverend.

REVEREND SHOULTZ:

(Prayer given by Reverend Shoultz)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Reading of the Journal.

SECRETARY:

Tuesday, May the 7th, 1985.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Mr. President, I move that the Journal just read by the Secretary be approved unless some Senator has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You've heard the motion. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion carries. Senator Kelly.

SENATOR KELLY:

Thank you. Mr. President, I move that reading and approval of the Journals of Wednesday, May 8th; Thursday, May 9th; Tuesday, May 14th; Wednesday, May 15th; Thursday, May 16th; Friday, May 17th and Monday, May 20th in the year 1985, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You've heard the motion. Those in favor signify by saying...Aye. Opposed Nay. The Ayes have it. Motion is carried. Messages from the House.

SECRETARY:

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

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

House Bills 82, 291, 312, 319, 324, 360, 459, 521, 563, 571, 707, 755, 810, 811, 833, 852, 881, 903, 909, 940, 1018, 2364 and 2431.

PRESIDING OFFICER: (SENATOR DEMUZIO)

First order of business this morning will be recalls. Senator Marovitz on the Floor? Senator Marovitz. With leave of the Body, we'll go to House bills 1st reading. Is leave granted? Leave is granted. House bills 1st reading.

SECRETARY:

House Bill 170, Senator Marovitz is the Senate sponsor.

(Secretary reads title of bill)

House Bill 343, Senator Sangmeister.

(Secretary reads title of bill)

House Bill 354, Senator Kelly.

(Secretary reads title of bill)

House Bill 393, Senator Lemke.

(Secretary reads title of bill)

House Bill 508, Senator Berman.

(Secretary reads title of bill)

House Bill 608, Senator...Lechowicz.

(Secretary reads title of bill)

House Bill 859...or 851, Senator Lemke.

(Secretary reads title of bill)

House Bill 856, Senator Lemke.

(Secretary reads title of bill)

House Bill 857, Senator Lemke.

(Secretary reads title of bill)

900, Senator Netsch.

(Secretary reads title of bill)

921, Senator Donahue.

(Secretary reads title of bill)

House Bill 963, Senator Rigney.

(Secretary reads title of bill)

House Bill 990, Senators Poshard and Demuzio.

(Secretary reads title of bill)

House Bill 992, Senator Bloom.

(Secretary reads title of bill)

House Bill 1008, Senator Keats.

(Secretary reads title of bill)

House Bill 1013, Senator Rigney.

(Secretary reads title of bill)

House Bill 1016, Senator Lemke.

(Secretary reads title of bill)

House Bill 1035, Senator Marovitz.

(Secretary reads title of bill)

House Bill 1064, Senator Lemke.

(Secretary reads title of bill)

House Bill 1267.

(Secretary reads title of bill)

House Bill 1269.

(Secretary reads title of bill)

1392, Senator Netsch.

(Secretary reads title of bill)

...House Bill 1566, Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 1703, Senator Darrow.

(Secretary reads title of bill)

House Bill 1587, Senator Poshard.

(Secretary reads title of bill)

1st reading of the foregone bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, we'll go to the Order of the Recall List. Leave is granted. We have passed out to all the members a...a copy of the bills that are on the recall

list. We will proceed at the top and go right on through. Senate Bill 57, Senator Marovitz. Senator Marovitz seeks leave of the Body to return Senate Bill 57 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 57. Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senators Collins and Chew.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I would like to be added as an immediate cosponsor to Senate Bill 258 and I have obtained the...the permission of the sponsor, Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Geo-Karis wishes to be added as a hyphenated cosponsor to Senate Bill 258. Is leave granted? Leave is granted. It's so ordered. Senator Collins. Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Amendment No. 2 to Senate Bill 58 is the amendment that we discussed on the Floor and we took this bill out of the record dealing with investments...prospective investments in South Africa. We took the bill out of the record the last time in order for one the Senators on the other side to have a copy of the amendment, and I would move for its favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Collins has moved the adoption of Amendment No. 2 to Senate Bill 57. Any discussion? Senator

Rupp.

SENATOR RUPP:

Thank you, Mr. President. I have a question as to the technical correctness of this amendment. The one I have...the copy I have doesn't have any word at all in it underlined and it's my understanding that new additions to any code do require that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

It is not adding any provisions to any existing Statute and I didn't think it would have to be underlined because of that. I'm sure that we'll get a parliamentary ruling on it, but we're not...let me just answer the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins, I'm advised by the Secretary that Amendment No. 2 is technically incorrect. Senator Collins.

SENATOR COLLINS:

Well,...this amendment was drafted by LRB and I...I would assume that they would know whether or not it was correct. It...it does have an LRB number, it's drafted by them and it does not amend any part of an existing Statute.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, my suggestion is perhaps we just take this out of the record for...momentarily and perhaps...perhaps you can get together and work out...resolve...Senator Rupp. Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. No, quite willing, I...I had a question on the amendment the other day and rather than...to do this particular thing, I went over and we got a...the question worked out. We hadn't distributed and had been distributed the incorrect amendment, and I went over to her and talked to her about it and she appreciated it, but now I just

SB 91
Recalled

got this this morning, I have not had a chance to go over to her to work it out, but I do think that if we have a rule that it has to be underlined, that the items should be in correct state before it's added.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Marovitz on the Floor? Senator Marovitz, can we take this out of the record for the time being, momentarily? Is...leave to take it out of the record? Take it out of the record. Senate Bill 91. Senator Marovitz seeks leave of the Body to return Senate Bill 91 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 91, Mr. Secretary, read the bill.

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...I think...we have to first Table Amendment No. 1 and I would move to Table...

SECRETARY:

You...you've already done that.

SENATOR MAROVITZ:

We've already Tabled Amendment No. 1? Okay. Then Amendment No. 2 is the amendment that is the work product of months of meetings between the bar associations, the judges, Department of Public Aid, many of the women's groups around the State of Illinois and has to do with the mandatory child support guidelines which we...which we passed last Session. This is the agreed amendment and it clarifies the confusion created by...last year by the passage of the mandatory child support guidelines...the guidelines for child support remain, let me make that very clear, the guidelines for child support

do remain. They're set forth and the court is directed to apply the percentage guidelines against net income unless either party presents evidence as to why the guidelines should be deviated, and then the guidelines can be deviated from...based on those...based on that evidence presented by either party, only when evidence is presented by either party; otherwise, the guidelines will prevail...evidence presented to support deviation from the guidelines may be from any of the five listed relevant factors, and those five factors to deviate from the child support guidelines are the financial resources of the child, the financial resources and needs of the custodial parent, the standard of living the child would have enjoyed had the marriage not been dissolved, the physical and emotional condition of the child and his educational needs and the financial resources and needs of the noncustodial parent. This allows the court to consider debts of the...parties in determining child support. We left that out of last year's bill. Everybody agrees that the consideration of debts must be allowed in determining child support. The repayment of debts representing reasonable and necessary expenses for the production of income, medical expenses and other expenses for the benefit of the child may be deducted from gross income to arrive at a net income figure. The court in its discretion may order the noncustodial parent to provide health insurance coverage for the child when the child can be added to an existing insurance policy at a reasonable rate. Basically, this is the agreement of...of all parties. If the judge deviates, it is the intent of the sponsor that the deviation should be by the expressed findings of the judge as...dictated to the court reporter and need not, in fact, be...be in a written separate opinion by the judge. I would ask for support of Amendment No. 2 to Senate Bill 91.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right, Senator Marovitz has moved the adoption of Amendment No. 2 to Senate Bill 91. Any discussion? Can we have some order, please. Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Was the maintenance coverage for the...Senator, the amendment I have before me has the maintenance all struck out. Have you...can you give me some information whether the...maintenance was maintained or not?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Maintenance has been removed from this. This is now...we only deal with child support here. Everybody agreed that maintenance had no place in this and should be removed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I have no objection to it as minority spokesman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Are you offering an amendment now which is addressing this problem? Will the amendment become the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Okay. That...that is correct, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

There was considerable interest in this issue in my district after we passed that bill last year, and so I'm simply curious to know who the...who the principal players were in all of this. Could you recite that for me?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Certainly, Senator. The principal players were the bar associations, the Department of Public Aid, the State's Attorney's Office of Cook County, the women's groups throughout the State of Illinois, the judges throughout the State of Illinois and when...we have had...dozens, literally dozens of meetings for long periods of time and just yesterday finally reached agreement with all parties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

And...so as I understood your remarks, this is an agreement among all those groups. They're all on board now, are they? Yeah, thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This has been the work product of...of many, many months. As most of you know, there was a lot of confusion about the bill that we passed last Session which nobody really understood the ramifications of. Now that we do, we're able to correct some of those problems that were created by that bill. I think we've done so and I would ask

everybody's support of Amendment No. 2 to Senate Bill 91.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 2 to Senate Bill 91. 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. 103, Senator Bloom. Senator...Bloom seeks leave of the Body to return Senate Bill 103 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 103, Mr. Secretary. Read the bill.

SECRETARY:

Amendment No. 2 offered by Senators Bloom, Dawson and Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President and fellow Senators. As you know, the Health Finance Reform Act mandates that the Department of Public Aid engage in selective contracting for in-patient hospital services. The regulations they file pursuant to this authority went through the Joint Committee on Administrative Review process. There were some recommendations by the joint committee that the enabling statutory language in certain areas be tightened up so that the...regulations for contracting would be a hundred percent on...on...on the square with the Act. That is what this amendment seeks to do. I'll answer any questions, otherwise, urge its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? Senator Bloom has moved

the adoption of Amendment No. 2 to Senate Bill 103. 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)

Any amendments from the Floor?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right, Senate Bill 220, Senator Marovitz. Senator Marovitz seeks leave of the Body to return Senate Bill 220 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 220, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you...thank you, very much, Mr. President and members of the Senate. Amendment No. 2 corrects a...a true inequity that we had previously placed in the legislation whereas somebody would be denied unemployment...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon...pardon me, Senator Marovitz. Could we have some order, please. Could we have some order, please. Can we break up the caucuses. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, again, Mr. President. Amendment No. 1...2 rather, corrects an inequity that we previously had in the legislation which would deny somebody unemployment benefits. Had they been working for nine years and then committed a

crime in their tenth year, they would be denied their benefits previously. We've corrected this problem so that they will be...not be denied their unemployment benefits if...if...if they had been working for a period of time and then committed a crime. The amendment also provides for a business fine for nursing home facilities who fail to conduct background investigations. If they actually do not or refuse to conduct those background investigations, then there will be a...a business fine assessed to get...against them, no criminal penalties. I would ask for the adoption of Amendment No. 2 to Senate Bill 220.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Did I understand you to say that somebody that's committed a crime is going to be eligible now for unemployment? Is that crime committed...to the employer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Previously in the legislation, if a...if a...a nursing home employee had been working for ten years and in their eleventh year committed a crime, they're going to be terminated, but the question is, the previous legislation...without before this amendment, if...that good time that they had been working and had been a...you know, a...a regular employee, a loyal employee, we don't want to disturb that ten-year period. Subsequent thereto, they're terminated and nothing...nothing from then on...should they receive any

benefits for. What...what will happen is when somebody is hired...when somebody is hired and a criminal background check is done, then they will not be eligible for any...any unemployment benefits if it has been found that they have committed any crimes, but the good time that they were working for a long period of time and then subsequently had to go through this check and subsequently committed a crime, we're not going to penalize them for...for...retrospective...proper employment, only for prospective crimes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

What...what kind of crime are...are we...are we talking about here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The offenses...all the offenses are specifically enumerated in the previous amendment, Amendment No. 1...in fact, rather than just say any felony, we've...in negotiation with the nursing home industry spelled out the specific felonies that this bill applies to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Is...is there a fiscal note been filed on this? What's the cost of it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Yeah, a fiscal note was requested, a fiscal note was filed and the bill was moved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

*B312
Recalled*

SENATOR WATSON:

How much is it? What's the dollar impact?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The Department of Public Health says the first year...five hundred thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Is the nursing home industry in support of this amendment? Where are they at on it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I...I have...the nursing home industry, when this bill was introduced, had some...had some objections, had some problems. We sat down with them, we put a...a rather extensive amendment on to take care of all their problems and I think it has alleviated all of their objections. They have not enumerated any objections to me as a result of the amendments, your staff and our staff worked out with the nursing home industry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz has moved the adoption of Amendment No. 2 to Senate Bill 220. 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. 312. Senator Davidson seeks leave of the Body to return Senate Bill 312 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 312, 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 would strike everything after the title and put in language which would say...rather than just repeal the Sunrise Act, this would say that the Legislative Research Unit which was created under the Legislative Commission Reorganization Act of 1984 should have the powers to review and...and make a recommendation...new ideas or new licensure or new part. We thought this should be some way that...so we wouldn't just have to deal with all of these, there'd be a way for them to be checked out. I move the adoption of Amendment No. 1 to 312.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? Senator Davidson has moved the adoption of Amendment No. 1 to Senate Bill 312. 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 350, Senator Berman. On the Order of Senate...Senator Berman seeks leave of the Body to return Senate Bill 350 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 350, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. Amendment No. 1 is a technical amendment. I move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman has moved the...all right, Senator Berman has moved the adoption of Amendment No. 1 to Senate Bill 350. Any discussion? Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

Amendment No. 2, by Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. The amendment that I'm offering on Senate Bill 350 is very similar to...in fact, it's...exactly the same as Senate Bill 369 which was considered in the Senate Education Committee and would require students who are...before they can enroll in a driver's education course, they...they would have to pass a minimum competency test in reading, in writing and arithmetic. And, ladies and gentlemen, I cannot think of any...anything that is more of an incentive to a young person than to be able to drive a vehicle, and this is an issue which is very...important to your constituency because I had sent out sixty thousand questionnaires asking for comments about educational reform and I received a great many who are interested in going back to the basics of reading and writing and arithmetic. This is a small effort to try to reform education in Illinois and to take advantage of the incentive of young people's driving, and I really feel that...would...appreciate any support that I can receive on

this and I would move for the adoption and be pleased to answer any questions that might be raised.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I hope everyone was listening to this amendment. I hadn't heard of it before this moment, but it sure sounds like an interesting amendment. Could I ask a...a quick question of the sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

What you're saying is, State subsidized driver education, a student may not enroll in that class till he has passed proficiency testing in reading, writing and whatever. In other words, in order for him to be subsidized to learn to go out and drive a car that he doesn't have insurance on, we at least are going to make sure he's literate. Is...is that what you're saying?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yes, that's...that's what I am saying...that this would be the...prerequisite in order to be enrolled in a driver's education program, and, yes, that's true we are going to make that a...that part of the program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

...I would just ask my colleagues in the Senate to support the amendment. I admit it's a little sneaky, but it's a heck of an idea. How else do you motivate some of these kids to finally become...at the bottom end of the class to

get them literate? I commend the sponsor for his idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Before my friend Senator Keats gets so excited about how simple and wonderful this is, may I just suggest that we take a second look at it. Right now, you have a system in...installed in all of our schools throughout the State where driver's education is a program provided for all of our students. I presume that it is there because it serves a purpose, and we will get to a debate on that issue perhaps in a very short while; but for purposes of our discussion at this point, I think we have to say that when we passed the driver's education legislation, we did it because we felt that driver's education was an important part of the total education of all of our students throughout the State of Illinois. Likewise, this bill addresses other programs which we think are also important, including...including the requirement of a phase-in of competency examinations at the third, sixth, eighth and tenth grades in the same subject matters that Senator Kelly is referring to; namely, mathematics, reading and language arts. Now, ladies and gentlemen, we have in effect agreed with Senator Kelly, but in a more realistic approach. You can...you will be decimating all of the programs dealing with driver's ed. if this amendment is adopted this morning, because you do not have a system, Statewide, of competency testing plugged in yet. If Senator Kelly either withdraws or we defeat this amendment, this amendment might make sense in about two years when the competency tests that are, in fact, recommended in Senate Bills 350 and 351 as part of the reform movement are, in fact, in place, but at the present time they're not in place. So, I would suggest that aside from the idea, and the idea is not a bad one but it's just not at the right time, I

would urge a No vote on Amendment No. 2

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. I happen to agree with my colleague on this side of the aisle and...and Senator Kelly. Unfortunately, it is true, we do not have the competency testing in place right now, but we do have children who are trying to get through high school, and if we wait two more years before we get everything in place, I'm afraid we're going to have an awful lot of kids graduating or...or leaving school who don't know how to read and write. There is no greater motivation for a fifteen or sixteen year old than getting behind that wheel, and having had four...four teenagers that...that...I survived that...that went through this, I think that this probably is going to be the thing more than anything else that will get these kids to start cracking the books and start learning at least some of the basic fundamentals, and I would suggest, again, to my colleagues they do support this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I appreciate Senator Berman's comments on this issue. He and I happen to be cosponsors of...of...of the reform legislation. And, Senator Kelly, let me suggest to you that...that this is a concept whose time, quite frankly, simply has not come. Regardless of how one feels on driver education, the two just don't track today, and...and I'm very concerned that...that if we were to put this amendment on, as Senator Berman has suggested, that we then throw out all of the...all the testing at...at those various grade levels, three, six, eight and ten that we are

now about. That's the system that we're trying to build in. Not to...diminish the...the consensus you have for reform, but please allow us to do this thing one step at a time, and I would urge the Body to oppose this amendment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Kelly may close.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. To...to respond to some of the comments that were made; for one thing, there is not an effective date on this bill, and I certainly wouldn't have any problem in the House of extending the date to allow time for this program to be instituted. Whether or not this will wreck driver's education, I've got concerns over whether or not the program at this present time is even...an effective program and this would even improve it. If we're going to keep driver's education, then we should have it in its best possible form, and I...I would just ask for your favorable adoption of Amendment No. 2 to Senate Bill 350.

PRESIDENT:

All right, Senator Kelly has moved the adoption of Amendment No. 2 to Senate Bill 350. Further discussion? If not, all in favor indicate by saying Aye. All opposed. Opinion of the Chair, the Noes have it. Roll call has been requested. Those in favor of Senator Kelly's Amendment No. 2 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 27 Ayes, 22 Nays, none voting Present. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Schaffer.

PRESIDENT:

Senator Schaffer on Amendment No. 3.

SENATOR SCHAFFER:

This amendment is the...this version, I guess I should say of the amendment, is the amendment which simply says that if we aren't going to come up with the money, we aren't going to mandate the program. Now this a somewhat different version of the amendment because of the complexity of this particular bill. Let me suggest to you that I happen to personally believe that these two bills may very well be the vehicles for what we eventually do as a Legislature, and my guess is that what will come out of the debate in both Houses and the interaction of the groups and the Governor's Office will be some form of compromise drawn together in the final days of the Session. I think it's important for the Senate to go on record and go on record very clearly about not mandating things we are not prepared to pay for. Now this amendment simply says, and I'll hope everyone will listen a little bit, that a school district can...apply to the State Board of Education if compliance with the mandates in the Act cause a cut in the basic educational program. My concern is that we are going to pass so many mandates down here that we aren't going to fund that when the smoke clears the districts are going to have to hire fifteen more administrators to shuffle papers and lay off fifteen teachers. Now nobody, and I mean nobody, thinks that's what educational reform is and yet in our well-intended rush towards reform, that may be the end result in many districts who because of the action of the current School Aid Formula will not have their mandates funded; and if that's the case, none of us want to go back to our districts and hear from our school districts that they had to lay off frontline teachers, maybe some of their best teachers, to comply with the mandates of this...that this Legislature has put forward. Be happy to answer any question, but I believe the Senate should clearly go on record on this

issue.

PRESIDENT:

All right, Senator Schaffer has moved the adoption of Amendment No. 3. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. A question of the sponsor, if he'll yield.

PRESIDENT:

Sponsor indicates he'll yield, Senator Maitland.

SENATOR MAITLAND:

Senator Schaffer, I...I understand your frustration because I share those same frustrations. You and I...you and I have discussed this in the past. I guess my question is this, what Act are you referring to in the amendment? Does...is this...just the legislation that we...we'd hoped to pass this Spring or does this include all the mandates?

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

The...reference, obviously, is to this bill and will also be on 351 since I have an identical amendment passed. My general comments, which I did not mean to confuse you on, are because I don't think this bill as it leaves the Senate will be the final version. I think the final version will be worked out perhaps in Senator Rock's Office about June 27th, 28th, if we're organized, 29th, 30th, if we aren't, and I want to get this amendment on as many bills as possible so that when those people, and we don't know exactly who those people are, assemble in that room, that we clearly have the Senate's intent not to savage, and I use the term savage, the basic education programs of many of the districts in the State who get little or nothing from the State in the form of financial support.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Schaffer, once again, I understand your frustration. I would suggest to the Body that as we're dealing with reform over the next several days, at some point within the next six weeks we are also going to be dealing with funding and...and the...I...I think it's very difficult to interpret this...this kind of an amendment and really what it purports to do. I...I agree, Senator Schaffer, we...we will be dealing with this issue probably in Conference Committee, and I would to just suggest to the Body that...that it might be appropriate to oppose this amendment at this time.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I also rise in opposition to this amendment. What you're doing here is to allow the State superintendent to become a super Legislature. When we pass legislations, and especially in this Session, where, hopefully, we will pass some meaningful reforms and fund those reforms, we expect those reforms with our passage of those bills to be carried out. Under this language, which I would suggest is very broad and very vague, I'm not sure what basic education program is district to district and they will be able under this kind of amendment to come in and say, for example, we don't want to test our children in...in grades three, six, eight and ten because we may have to do away with a...a program that involves our football team, which I think...which that superintendent may think is basic or some other type of program which is strictly one that is in favor at that local level. I don't think that's the way we want our schools to operate. If we're going to say that there

ought to be something done and we're going to fund them, which is the commitment of all of the leaders involved in this program and I think all of the members of both Houses, I don't think that this bill adds anything and will probably allow some opt-outs of programs which we think ought to be done and undertaken in the schools. I urge a No vote.

PRESIDENT:

Senator Schaffer. Any further discussion? Further discussion? Senator Schaffer, you wish to close?

SENATOR SCHAFFER:

Oh, yeah. I doubt that the combined resources of both political parties and staff in either House could draft an amendment to accomplish what I want that my two colleagues would find acceptable. Had we gone into detail, it would have been too restrictive; had we done what we did which was try and provide a mechanism for relief, then it's too general. Frankly, what the amendment says is, if we...and I'm, by the way, delighted to hear all this talk on the 21st of May about funding reform. My, God, it's glad to have...I'm just glad to have that on the table now that's it's the 21st of May, and you'll pardon me if I believe it when I see it, but I seriously suggest to the members here, if you want to go back to your districts and find out...those of you and there's virtually two-thirds of us...three-fourths of us here who have districts that get very little from the State, and find out that we have gutted the basic education programs, then don't support the amendment. It's important that if we mandate things we don't pay for, the school districts, and we all purport to believe in local control, have the option to petition the State board for relief, and I don't, by the way, believe the State board is going to be frivolous; if I could find a more objective place to petition, I probably would. They'll...they'll do the...the job, I think, and if the districts have a legitimate case, they can make it there and I

hope the State board will be fair. I would appreciate a roll call on this, what I consider, fairly important amendment.

PRESIDENT:

All right, Senator Schaffer has moved the adoption of Amendment No. 3 to Senate Bill 350. Those in favor of the amendment 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 27 Ayes, 25 Nays, 1 voting Present. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

Amendment No. 4 offered by Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would ask that that amendment be laid on the Table.

PRESIDENT:

Well, you can...yeah, you can withdraw that one. Amendment has been withdrawn. Further amendments, Mr. Secretary?

SECRETARY:

I had two amendments by Senator Welch. Amendment No. 4, by Senator Welch.

PRESIDENT:

Senator Welch on Amendment No. 4.

SENATOR WELCH:

Thank you, Mr. President. This amendment does two things; number one, it affects the bill as far as the three-member hearing panel is involved and strikes that to return to the status quo and; secondly, it permits the...it...it deals with the nonprejudicial error aspect of the bill that was discussed in the Elementary and Secondary Education Committee, and let me deal with the three-member hearing panel first. The current law is that when a teacher

is dismissed, the teacher and the school board is provided a list of five prospective impartial hearing officers. The impartial officers must meet two requirements; that is, they be accredited by a national arbitration organization and; secondly, not be a resident of the school district. The teacher and school district shall within five days alternatively strike one name from the list of five until one person remains. This allows each side to strike the names of those hearing officers they feel would be less favorable to their case. In other words, the system ensures impartiality for both sides. Senate Bill 350 would replace the current impartial hearing officer system with a permanent three-member hearing panel. The Illinois Education Association, the Illinois Federation of Teachers, the Illinois Association of School Boards and the Illinois Association of School Administrators all oppose this section of Senate Bill 350. The reasons for the opposition are as follows; number one, this bill would reduce the likelihood of impartiality for both sides; secondly, it would increase the hearing costs by at least three hundred percent; third, it would make it harder to schedule hearings; fourth, it would take longer to make decisions; fifth, it would delay the whole hearing process. No group registered support for this three-member hearing panel and there is really no reason to replace the impartial hearing officers system when all parties concerned agree that it works well for both sides. The second aspect of the bill...the second aspect of the bill encourages school boards not to follow the requirements for honorably dismissing a teacher or for dismissing a teacher for cause. Instead, it makes errors which may occur permissive; in other words, when a local board fails to adhere to one of the requirements, such as a procedural safeguard, the dismissed teacher would not be entitled to use it as a defense to dismissal as long as there was a finding of wrongdoing at the end of the hear-

ing. As many courts have noted, the tenure laws are designed to protect teachers from political, partisan or arbitrary considerations in dealing with local boards. This protection is provided by requiring local boards to follow certain procedural steps in dismissing teachers. The harder substance of tenure is the procedural safeguards provided in the Statutes. Senate Bill 350 would make these requirements meaningless by permitting local boards to commit procedural errors. The current requirements would become no more than guidelines for local boards to follow. Of the dismissal hearings to date, seventy-five percent of the cases have resulted in dismissals or resignations of teachers. This system has been working and this section of Senate Bill 350 would significantly weaken the due process rights of teachers, and I would urge support of this amendment for those two changes.

PRESIDENT:

All right, Senator Welch has moved the adoption of Amendment No. 4 to Senate Bill 350. Is there any discussion? Senator Berman.

SENATOR BERMAN:

Well, thank you. I find it interesting...part of what we all hear from time to time, especially from the school administrators and the school board association, is that they can never eliminate incompetent teachers from the system. The provision in the bill, which this amendment seeks to delete, would create a permanent body of three members that would hear dismissal proceedings against teachers. It is the purpose of this to lend a more stable, permanent judicial type of process. I find it interesting that the School Board Association is in favor of this amendment and the school administrators are apparently in favor of this amendment when all the time we hear about how the present system doesn't work. What the bill...proposes to do and the amendment seeks

to take out is to make a permanent body which could issue opinions that would serve as precedents, sort of a mini-teacher dismissal court so that you would have a basis to know, administrators would have a basis to know what's a good ground to get...kick a teacher out that's incompetent and what is an insufficient ground instead of the constant process and the constant whining by the School Board Association and the administrators regarding that they can't kick out any incompetent teachers. Now, I would suggest to you that, notwithstanding what Senator Welch has said is their position on this, this amendment is not in their best interests. I would urge a No vote.

PRESIDENT:

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

SENATOR MAITLAND:

Thank you, very much, Mr. President' and Ladies and Gentlemen of the Senate. This is an issue that...that we deliberated on a long time when we were finalizing our commission report. Without question, as Senator Berman has indicated, this is an issue that as we took testimony across this State was brought to us by...from...from every, every segment of the State...every segment of the State. There are over a hundred thousand teachers in Illinois and the year preceding the debate on school reform, seven...seven cases we're brought to a conclusion out of over a hundred thousand. Now as Senator Berman has indicated, we can...begin to build a reservoir, a bank of information. We will have the same people dealing with educational issues, not someone who is totally...totally unassociated with education and no knowledge of education but people who understand the educational process. I think this is a good amendment...I think this is a bad amendment and should be defeated.

PRESIDENT:

All right, further discussion? Any further discussion?
Senator Welch, you wish to close?

SENATOR WELCH:

Yes, Mr...Mr. President. Let me try to answer briefly, if I could, my distinguished colleagues' opposition. They are saying that the...the current system doesn't work and yet the facts that I have show that seventy-five percent of the cases have resulted in dismissals or resignations of the teachers. Secondly, the good Senator has indicated that the...we are setting up a legal process here but the use of an arbiter is in itself the existence of a legal process. Many insurance policies carry a requirement that the American Arbitration Association have a designated arbiter for each case. I happen to be an...arbitrator myself. There are certain arbitrators that can be utilized that can develop a body of knowledge, you can continue to have your precedents built up by using different arbitrators. It's not as if these individuals can render opinions and then disappear into thin air. I don't think that is the problem. I think the problem is whether we want to continue a system that is less costly than a three-member permanent panel. This system, if we have three permanent members, we're going to have to pay each a...the same fee of...I think it's two hundred and fifty dollars a day. There's going to be three of them instead of one. The additional cost of...of course, necessary...secretaries, other equipment is going to make this quite burdensome; and for those reasons, I would urge support of Amendment No. 4. Thank you.

PRESIDENT:

...question is the adoption of Amendment No. 4 to Senate Bill 350. 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 30 Ayes, 18 Nays, none

voting Present. Amendment No. 4 is adopted. If I can have your attention, there is a Mr. London, a photographer from the DuSable Museum in Chicago, who wishes to take...ask leave to take some photographs. He is seated up in the public gallery and will be shooting photographs from the gallery if leave is granted. Without objection, leave is granted, Mr. London. On the Order of Senate Bills 3rd Reading...I beg your pardon, any further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, top of page 11, is Senate Bill 351. Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 351, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Maitland.

PRESIDENT:

Senator Maitland on Amendment No. 2?

SECRETARY:

2.

PRESIDENT:

2.

SENATOR MAITLAND:

Thank you, Mr. President. Amendment No. 2 does three things. It changes Principals' Academy to Administrators' Academy, that is technical in nature. Number two, it cleans up and clarifies the permissive language in regards to school boards establishing full-day kindergarten programs and reimbursement of such. What we're suggesting here is that we encourage full-time kindergarten and if schools do have...full-time kindergarten, they will, in fact, be reim-

bursed through the formula; and third, it...it states that students sixteen, seventeen and eighteen year olds may take the GED test providing that the principal of the last school attended certifies in writing that expanded options available have been exhausted and that the parent and legal guardian of...of any minor gives his or her written approval and...and finally, specifies that the State board shall pay the GED...the GED application fee and the GED certificate fee for such students. I would move for its adoption.

PRESIDENT:

Senator Maitland has moved the adoption of Amendment No. 2 to Senate Bill 351. Discussion? Senator Keats.

SENATOR KEATS:

A question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Keats.

SENATOR KEATS:

John, I...I think I know the answer but I'm asking you again 'cause I think there's some puzzled faces here too. This bill...puts the State in the business of funding all day kindergarten. Is that correct?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Senator Keats. It is permissive. It just simply says...there's no mandate for full-time kindergarten. I think this has been...been perceived as mandating full-time kindergarten. It does quite the opposite. It just suggests that...that schools ought to consider full-time kindergarten and if they do have full-time kindergarten, they should...in fact, be reimbursed by the State.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Okay, that was my understanding. I think all of us should think a moment. If you've ever talked to...child psychologists or if you've ever had a prolonged conversation with a five year old, not only should we not be encouraging...in fact, someday by the time we get out of some of our caucuses we think we're talking to five year olds, but that's...we've all been like that someday...do we want...

PRESIDENT:

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

SENATOR DONAHUE:

Yes, a question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Donahue.

SENATOR DONAHUE:

Thank you. In the...in the reimbursement for all day versus half-day kindergarten, is there any difference in that reimbursement or is it...is it the same regardless?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you...thank you, Mr. President. Obviously, if we would reimburse they are...presently they are reimbursed on a half-day basis. If...if it was full-time, they would be reimbursed on a full-time basis. Let me suggest, Mr. President, this amendment is really only technical and this might be an issue we...might want to debate on 3rd reading.

PRESIDENT:

I think that point is well taken. Senator Maitland has moved the adoption of Amendment No. 2 to Senate Bill 351. Any further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 3, by Senator Maitland.

PRESIDENT:

Senator Maitland on Amendment No. 3. Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Senate Amendment No. 3 is the amendment that restores...restores the exemption for eleventh and twelfth grade P.E. to the bill. In the original package as introduced by...by me, Senate Bill 351 suggested that for grades eleven and twelve a student be allowed to opt out of P.E. under...under three conditions. Number one, for that student who needed remediation, for example, was getting close to graduation, was having difficulty with a particular academic course should be allowed to be exempt from P.E. Secondly, for the college bound student who needs more academic courses for college entrance, they should be allowed to opt out of P.E. if those two courses came at the same time, and finally, for the student athlete. Point number three, the student athlete who's out for basketball, football, track and...and sports of all kinds should be allowed that during the time that they're out for sports to be exempted from P.E. As we held our hearings across the State, I think this was one of the most...one of the issues that was...received the most attention. I believe that, generally, people across the State support this amendment and I would move for its adoption.

PRESIDENT:

Senator Maitland has moved the adoption of Amendment No. 3 to Senate Bill 351. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 4, by Senator Schaffer.

PRESIDENT:

Senator Schaffer on Amendment No. 4.

SENATOR SCHAPFER:

Amendment No. 4 on this bill is the same as, I believe, whatever Amendment 2 or 3 that I had on Senator Berman's bill. I'm an equal opportunity amender. And it, basically, says the same thing that if the...the mandates of the program...the funds aren't there that the school district can apply to the State board, if complying with them will cut the basic education program. The same arguments I made before apply probably even more so on this bill because this bill tends to mandate more things and the funding for those mandates has yet been, at least, explained to me.

PRESIDENT:

All right, Senator Schaffer has moved the adoption of Amendment No. 4 to Senate Bill 351. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The same argument on 350 applies to 351. Don't need to say it again, I would just suggest a No vote.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

I also rise in opposition to the amendment. Thank you.

PRESIDENT:

Senator Schaffer, you wish to close? A roll call has been requested. Senator Schaffer has moved the adoption of Amendment No. 4 to Senate Bill 351. 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 30 Ayes, 26 Nays, none voting Present. Amendment No. 4 is adopted. Further amendments?

SECRETARY:

Amendment No. 5, by Senator Demuzio.

PRESIDENT:

Senator Demuzio on Amendment No. 5.

SENATOR DEMUZIO:

Thank you, Mr. President. The commission bill added language in Senate Bill 351 that would allow the school districts to either provide or enter into a contract with driver's training schools licensed by the Secretary of State under the Vehicle Code and also allowed them to enter into contracts to provide a course of...of practice driving and charge a reasonable fee. What this amendment seeks to do is to strike that language and to eliminate the...the language added by the commission thereby leaving the current law in its current posture indicating that each school district shall provide...an approved course and practice driving consisting of a minimum of six hours...six clock hours of the individual behind-the-wheel instruction or its equivalent. The...I suspect that we'll probably see this issue many times, I suspect, before June 30th, but this Amendment No. 2, in fact, strikes that language and restores the...the law as it is now.

PRESIDENT:

All right, Senator Demuzio has moved the adoption of Amendment No. 5 to Senate Bill 351. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Amendment No. 5. I want the Body to know that the concept contained...in the original...in the original draft of Senate Bill 351 did not demandate driver education. This is not an issue of demanding versus nonmandating. What the commission suggested was this, that schools...many rural schools and many districts such as we have here today find it extremely expensive, extremely expensive to maintain driver education, and

the...commission suggested that they continue, obviously, to offer the thirty hours of course work in the classroom, but wherever possible and wherever it was needed they should be allowed to get the behind-the-wheel part of driver education from another source. This doesn't take anything away from the child. It will send more money to academia to the kids...in academia in the educational fund and still be able to maintain the service. This seems to me to be a...a...a good concept and one that we should adopt. Secondly, it allowed school districts to charge a reasonable fee for driver education. It costs us a hundred and eighty to a hundred and ninety dollars per student to offer driver education and it seems reasonable to assume that a small, reasonable fee should be allowed charged to those students. We have an opt-out for those who simply can't pay that fee, no child is going to be hurt. It seemed like a reason...a reasonable approach and I believe this amendment should be defeated.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. On that same note, we ought to realize that...that driver's education is probably the most expensive course we have in schools. You've got a full-time teacher with maybe four children driving around for an hour. I think this is a very reasonable amendment. Certainly there are some rural schools that, frankly, just can't afford this and I would suggest to you to strongly take a look at this amendment and then defeat it.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. While not a member of the education...committees or a big player in the legislation affecting education, this seems to me to be an amendment that

we should reject. One of the leading complaints from school districts in my area is the high cost of providing the mandated driver education. Now, if any of you've taken a look at the way driver education is taught in the private sector, I think it becomes immediately apparent that the people that are out driving around in cars with...with kids and others that are learning to drive are not people with high education credentials. You're not likely to find someone with a masters degree in education out riding around in cars with people who are having their...their practice driving. On the other hand, in our schools, many times that's exactly what you find are people with...with educational credentials who ought to be in classrooms and who are a resource for their school that should be used in the classroom. Instead of that, they're out doing things that other people with less training could do just as well. And as I understand what we're about here is that the...the commission has suggested that that's a change that we ought to allow our schools to...to accomplish. Now this amendment would undo all of that, and on that basis, I suggest that this amendment should be...defeated.

PRESIDENT:

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd like to speak on behalf of Senator Demuzio's amendment simply because I think probably the most important thing you can learn as a student, perhaps, in high school is the ability to drive a car and to learn it properly, and I think the system we have today is working and seems to be doing that. And if, in fact, the one thing you remember from high school would be to learn how to drive a car. If you go the private sector, I can guarantee you one thing, that after it's done, we will be flooded with a bunch of legislation here trying to regulate and to change the pri-

vate way that we direct people to drive and teach people to drive in the State of Illinois. I'm not so sure we don't need masters degrees teaching people how to drive in the State of Illinois. I think it's extremely important and would hope that we would adopt this amendment.

PRESIDENT:

Further discussion? Senator Berman.

END OF REEL

REEL #2

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to the amendment also. I find it interesting that most of the discussion today dealt with driver's education when we're dealing with two bills that touch on almost every aspect of education and most of the time has been spent talking about driver's education. If we're concerned, as I think we all are, regarding the costs of education, this recommendation that's in the bill, Senate Bill 351, is a reasonable approach to allow local school districts to try to save some money without negatively impacting on the opportunities available to our children. What we're saying by the...in the bill is that if a school district finds that it can save some money by contracting out, it can do so. Now, all of the safeguards are still there. There's private...if there's a contracting out, the private school must be licensed by the Secretary of State, the kid must still pass the same examination that is required by the kids that take this class...behind the wheel in school, there is no diminution of the quality of the education as measured by the tests that that child must still pass. What it does is to give a small opportunity to save some money, and I think that if that's a...and I would suggest to you that's a reasonable approach on a reasonable compromise in an otherwise very hot area of discussion, as we see by this morning's debate; therefore, I would urge a No vote on the amendment.

PRESIDENT:

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

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. There's been some discussion about the cost of driver's education. Making the driver's education optional in this bill and forcing students to pay for behind-the-wheel portion will save the State money and create more funds for academics. Well, frankly, that's...that's not true. Driver's education is the only mandate that's self-supporting. It's paid for from traffic fines and eliminating that will provide no extra dollars for other concerns. I have a letter also that I might share with the group from Donald Miedema who's superintendent of schools here in Springfield that indicates that they are opposed to a...any legislation that would allow districts to contract for behind-the-wheel training in driver's education. He indicates that the large school districts have taken no formal action on the bill but he's...as quoting him, "I believe that it's safe to say that a majority of the larger unit districts will oppose this bill." I would ask that we adopt this amendment striking the...the language added by the commission and I assume that this is not the first time that we will see this proposal before us. I move for the adoption of Amendment No. 5.

PRESIDENT:

Senator Demuzio has moved the adoption of Amendment No. 5 to Senate Bill 351. Those in favor of the amendment 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 28 Ayes, 24 Nays, none voting Present. Amendment No. 5 is adopted. Further amendments, Mr. Secretary?

SECRETARY:

No...no further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd

Reading...Senator D'Arco on the Floor? Senator D'Arco on the Floor? 486, you wish that returned? All right, Senator D'Arco wishes that removed from the recall list, Mr. Secretary. 510, Senator Smith. We're now in the middle of page 16, on the Order of Senate Bills 3rd Reading is Senate Bill 510. Senator Smith seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 510, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Smith.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. Amendment No. 1 to Senate Bill 510 merely changes the method of funding the Crime Prevention Organization Act created by the bill. It provides for an income tax checkoff like those currently existing on the Illinois Income Tax Form. This allows tax people...payers to contribute up to ten thousands...ten dollars, I'm sorry, of their tax refund for contributions to the Crime Prevention Organization Fund. If the fund does not...and we made this with the agreement with our colleagues on the other side that if the funds does not receive at least one hundred thousand dollars in any year, that checkoff will not appear on subsequent income tax forms. Mr. President and members of the Senate, I move for the adoption of this amendment.

PRESIDENT:

All right, Senator Smith has moved the adoption of Amendment No. 1 to Senate Bill 510. Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is the bill that we

opposed earlier on the strength of the argument that the funding was different in this bill than in the normal checkoff bill that we have seen for other causes. The sponsor has amended the bill now so that it is a checkoff, like the other causes, and on that basis, I have no objection to the bill.

PRESIDENT:

All right, Senator Smith has moved the adoption of Amendment No. 1 to Senate Bill 510. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 576, Senator Topinka. 645, Senator Barkhausen. 646, Senator Barkhausen. Middle of page...bottom of page 19, on the Order of Senate Bills 3rd Reading, Senate Bill 646. Senator Barkhausen seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 646, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, Senate Bill 646 creates stiffer penalties for the offense of stolen property. The amendment makes certain technical corrections. Most significantly, it eliminates all of the civil provisions which were in the original bill and which gave rise to some opposition from such groups as the retail merchants and the manufacturers' association. So,...so now we are strictly dealing

BB 665
Rearcase

with...with criminal provisions which...so far as I know, meet with no objections. We have also added some provisions dealing with the...with the forfeiture of profits gained in the commission of the crime of stolen property. As I say, it's an agreed amendment and I would urge its adoption.

PRESIDENT:

All right, Senator Barkhausen has moved the adoption of Amendment No. 1 to Senate Bill 646. Any discussion? Senator Bloom.

SENATOR BLOOM:

I'd...I'd join in that. After we're done with that, I have a request.

PRESIDENT:

All right, Senator Barkhausen has moved the adoption of Amendment No. 1 to Senate Bill 646. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. If I can have your attention, WAND-TV, Channel 17, from Decatur has requested permission to videotape. With leave of the Body, leave is granted. Senator Bloom, for what purpose do you seek recognition?

SENATOR BLOOM:

Well, I...I...I apologize to the membership. As I think we all had the problem where we get dragged off the Floor by various groups and I wondered if we could do 645 now?

PRESIDENT:

Senator Barkhausen indicated to the Chair that there was a subsequent amendment coming up from somewhere. All right. 665, Senator Lechowicz. On the Order of Senate Bills 3rd Reading, the middle of page 19, is Senate Bill 665. Senator Lechowicz seeks leave of the Body to return that bill to the

Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 665, Mr. Secretary. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, I lit my button here a while ago on a point of personal privilege when you announced about the photographer taking pictures, and now you've announced it again and you always alert me when the photographer is going to take some pictures. Have I done something wrong or...

PRESIDENT:

No, I was just waiting for the camera to be set up, Sam, then I was going to alert you.

SENATOR VADALABENE:

Yeah. We don't have any problems, do we, Mr. President?

PRESIDENT:

No...no, sir. All I want you to do is kind of spin around and give them your best side.

SENATOR VADALABENE:

Thank you, Mr. President.

PRESIDENT:

Oaky. Mr. Secretary, Senate Bill 665, on the Order of Senate Bills 2nd Reading.

SECRETARY:

Amendment No. 3 offered by Senator Lechowicz.

PRESIDENT:

Senator Lechowicz on Amendment No. 3.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 is the amendment requested by DCCA and, basically, it amends Senate Bill 665 to convert the utility tax refund into an exemption, and I move for its adoption.

PRESIDENT:

Senator Lechowicz has moved the adoption of Amendment No. 3 to Senate Bill 665. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 684, Senator DeAngelis. On the Order of Senate Bills 3rd Reading, the bottom of page 19, Senate Bill 684. Senator DeAngelis seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 684, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator DeAngelis.

PRESIDENT:

Senator DeAngelis. Senator DeAngelis, Amendment No. 4.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 4 corrects some of the things that were negotiated during the agreements with the police officers, DCFS, the community agencies, et cetera. Essentially what it does, it deletes the I-SEARCH local board definition with the...which the Department of Law Enforcement opposed, rewrites the...the membership as a broad representation of the community, adds a provision that allows you to hold a delinquent up to twenty-four hours instead of six, restores the thirty-six hours and changes the effective date to October 1st, 1985.

PRESIDENT:

Senator DeAngelis has moved the adoption of Amendment No. 4 to Senate Bill 684. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 5, by Senator DeAngelis.

PRESIDENT:

Senator DeAngelis on Amendment No. 5.

SENATOR DeANGELIS:

Number 5 takes the twelve hours back to the eight hours that was originally in the bill.

PRESIDENT:

All right, Senator DeAngelis has moved the adoption of Amendment No. 5 to Senate Bill 684. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 694, Senator Topinka. 725, Senator Berman. On the Order of Senate Bills 2nd Reading, bottom of page 20, is Senate Bill 725. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 725, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you. This...this...this amendment deletes the language, "whose low or declining academic performance." The reason for that is in defining a chronic truant, those...that language was too vague in order to plug a standard of truancy into the bill, so it's being deleted and it'll remain on the ten percent of the hundred and eighty day regular attendance days which was in the original description without this...language dealing with declining academic performance.

I move the adoption of Amendment No. 3.

PRESIDENT:

All right, Senator Berman has moved the adoption of Amendment No. 3 to Senate Bill 725. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 736, Senator Kustra. 742, Senator Vadalabene. On the Order of Senate Bills 3rd Reading, the middle of page 21, is Senate Bill 742. Senator Vadalabene seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 742, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. First of all, I'd like to move to reconsider the vote on...on Amendment No. 1 in regard...Floor Amendment No. 1 to Senate Bill 742.

PRESIDENT:

All right, Senator Vadalabene has moved to reconsider the vote by which Amendment No. 1 to Senate Bill 742 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Vadalabene now moves to Table Amendment No. 1 to Senate Bill 742. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments, Mr. Secre-

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Recalled

tary?

SECRETARY:

Amendment No. 2 offered by Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Amendment No. 2 ensures that the money is being paid from the purse money. In other words, the money is coming from the horsemen themselves under this amendment, and this amendment has been agreed to by the interested parties, and I move for its adoption.

PRESIDENT:

Senator Vadalabene has moved the adoption of Amendment No. 2 to Senate Bill 742. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 22, Senator Etheredge. On the Order of Senate Bills 3rd Reading is Senate Bill 780. Senator Etheredge seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 780, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Etheredge.

PRESIDENT:

Senator Etheredge on Amendment No. 4.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a technical amendment; however, it is an important one. The...the legislation as originally drafted

did not take into account the...the fact that smaller counties have a higher cap on their corporate property tax rate than do the more populous counties. This amendment corrects that situation.

PRESIDENT:

All right, Senator Etheredge has moved the adoption of Amendment No. 4 to Senate Bill 780. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 833, Senator Macdonald. Middle of page 22, on the Order of Senate Bills 3rd is Senate Bill 833. Senator Macdonald seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 833, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Macdonald.

PRESIDENT:

Senator Macdonald on Amendment No. 1.

SENATOR MACDONALD:

Thank you, Mr. President. This amendment was suggested by the Pollution Control Board and the amendment actually becomes the bill. It does two things. It sets a time limit on recognizing federally issued permits and it makes it absolutely clear that all State requirements including board...more stringent than the Federal standards must be complied with. The amendment accomplishes the original intent of the bill to avoid duplicative permit processes. That's all it does and I ask for your acceptance of this amendment.

PRESIDENT:

All right, Senator Macdonald has moved the adoption of Amendment No. 1 to Senate Bill 933. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 849, Senator Macdonald. On the Order of Senate Bills 3rd Reading, page 2 on your Recall List, top of the page, page 22 on the Calendar, Senate Bill 849. Senator Macdonald seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 849, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This amendment also was requested by the Pollution Control Board. I might add that this bill originally was on the Agreed Bill List and we were...going to make any technical changes when it reached the House; however, at the request of...of one of the lobbyists, I took the bill off and so we now are...are putting this technical change requested by the Pollution Control Board on the bill. The...amendment deletes all references to administrative orders issued by the Environmental Protection Agency and replaces those with more accurate term administrative citation. The second thing it does is...clarifies the point that the agency may enforce the enumerated prohibitions either by administrative citation or by conventional means. Third, it establishes a sixty-day time limit for the agency to commence administrative citation procedures and requires the agency to notify the Pollution Control Board within ten...ten days of such...so, I ask for your adoption of this

amendment.

PRESIDENT:

All right, Senator Macdonald has moved the adoption of Amendment No. 1 to Senate Bill 849. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 911, Senator Demuzio. On the Order of Senate Bills...3rd Reading, the middle of page 23, is Senate Bill 911. Senator Demuzio seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 911, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Demuzio.

PRESIDENT:

Senator Demuzio on Amendment No. 2.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Illinois Press Association brought this amendment to me and apparently...the bills did not...their bills did not fare well in the Senate Executive Committee and asked that I might make an attempt on amending the vehicle bill that I have on 911. The...Press Association amendment does three things. It adds to the policy section a statement emphasizing that public bodies have a duty to provide public information to the public, that it clarifies that public bodies are not required to wait seven working days to respond to a request but instead should respond immediately if practical and the third provision...defines that police blotter information to specify the minimum amount of

crime...information that police must make available. It is rather a lengthy amendment. I'm sure that most members are aware of the contents of the provisions that I have outlined. I would move for the adoption of Amendment No. 2.

PRESIDENT:

All right, Senator Demuzio has moved the adoption of Amendment No. 2 to Senate Bill 911. Discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, thank you, Mr. President. Well, I hope we're paying a little bit of attention to this. It's a little surprise to me...

PRESIDENT:

That point is well taken. All right, I'm going to ask the staff to remove themselves. We've too many conferences going on. This is a matter of some urgency and I would ask that...the members be in their seats and that those staff who are not totally indispensable, please, dispense...or disperse, I guess...Senator Sangmeister.

SENATOR SANGMEISTER:

I was just looking over this amendment and, as you all know, of course, the Freedom of Information Act is a sensitive area in which we deal with, but I am rather surprised that the Press Association, after giving certainly in Executive Committee a full hearing, no one was shut out, we spent a lot of time, in fact, more time on these bills than we did on a lot of others. It was discussed thoroughly and the bills were defeated in committee for...all for good reasons which are too extensive to discuss here. Now, we come along, which is not unknown to the legislative process, to attempt to do what we can't do in committee what we're going to do on the Floor, but I'm rather surprised that the press would get involved in doing that, so I would merely say to you that these bills all received a good, fair hearing in Executive

Committee and if we have any feeling for the process, I would ask that this amendment be defeated.

PRESIDENT:

Further discussion on Amendment No. 2? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, I want to join with Senator Sangmeister in opposing this amendment. As he said, bills to accomplish this same purpose were given an extensive hearing before the Senate Executive Committee. Everybody had a chance to say whatever they wanted to say, there was full debate and now to see these bills come before the Senate, I think, would require if...if we are going to give it the time that is necessary is going to take more time than we have here. I think that these amendments should be rejected. If the Press Association and others who want to change this Act in future years, they'll have a chance to come back and testify before the committees again. So, I would ask a...a vote against these offered...these amendments.

PRESIDENT:

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

SENATOR DEMUZIO:

Well, let me just say that this amendment represents a compromise, I am told, that there were...were, in fact, four bills in the Senate Executive Committee that addressed this subject. None of them cleared the committee and I think that sent a very clear signal to the proponents of the legislation, and I think they got the message and they now come back with three significant compromises. They do not change the intent of the Freedom of Information Act, they merely make clarifications to ensure that the FOI is not a denial of...of...of Informational Act. The changes primarily address changes that are made by the Governor's amendatory

veto and not what the General Assembly had originally passed. I would move for the adoption of Amendment No. 2 to Senate Bill 911.

PRESIDENT:

All right, Senator Demuzio has moved the...Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

A point of information. It...was this amendment distributed to the committee...

PRESIDENT:

Well...

SENATOR FAWELL:

...apparently this is a fairly important committee and I don't know what they're talking about.

PRESIDENT:

...I...I am sure that...that it has, in fact, been distributed. Senator Demuzio has moved the adoption of Amendment No. 2 to Senate Bill 911. All in favor of the adoption of the amendment indicate by saying Aye. All opposed. Opinion of the Chair, the Noes have it. The amendment fails. Further amendments, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading, Senate Bill 949. Senator Karpziel seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. On the Order of Senate Bills 2nd Reading, Senate Bill 949, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Karpziel.

PRESIDENT:

Senator Karpziel on Amendment No. 1.

SENATOR KARPIEL:

Thank you, Mr. President. Amendment No. 1 deletes the provisions currently in the bill and adds uniform medical standards to the Worker's Compensation Act. Specifically, this adopts the American Academy of Orthopedic Surgeons manual for orthopedic surgeons in evaluating permanent physical impairment as the standards or the foundation for determining permanent, partial disability under Section 8 of the Worker's Compensation Act, and I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Karpziel has moved the adoption of Amendment No. 1 to Senate Bill 949. Is there any discussion? Senator Rock.

SENATOR ROCK:

Well, I...I presume that if we are talking about significant amendments, this one certainly would qualify. Has this one been distributed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

I don't believe so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

I...I...you know, we...we are trying to expedite the process and afford every member an opportunity to get their bill into the shape they wish it, but for goodness sake, if you're going to strike everything after the enacting clause and come in with a bill that...that you and I both know probably would not have gotten out of the Labor and Commerce Committee or...any other committee for that matter, I think in fairness, that ought to be distributed. So, I'm going to request and ask others to join in with me that this amendment, for sure, be distributed. There are some that we can go through without the necessity of...of inundating everybody

with a lot of paper. We almost have to work on a system of trust around here, but...but something this dramatic, truly, I believe the membership ought be made aware of it and we can hold it...there'll be another recall list tomorrow and probably on Thursday and probably on Friday and most certainly on Saturday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

I have no problem as long as mine isn't on the recall list on Saturday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, take it out of the record...well, ladies and gentlemen, if we could have your attention, please. We have some very special guests that are with us today...we have some special guests that are...are with us today. Last year, I had the special privilege of offering a Senate Resolution to the Litchfield Purple Panther Girl's Basketball Team when they won the State championship and, of course, Litchfield is in my district. This year, Senator Davidson and I...and I have...collaborated as we did last time on the Senate Resolution...in Senator Davidson's old district and Senator Davidson has a resolution that is currently before the General Assembly here that he would like to introduce the members of the team and to say a few kind words about the Litchfield Purple Panther Ladies.

SENATOR DAVIDSON:

Thank you, Mr. President. I'd like to present to you a team from a little town in Illinois so that you big city slickers will know we...we do know how to play basketball down in this country. This is a team that's been undefeated two straight years during the regular season, lost two games in two years, each to the team that went on to become the State champion of the Girl's Basketball Class A, and for

those of you who were fortunate enough to have the opportunity to play this team, you'll know that they had talent and I'm particularly pleased to tell you, since we're all from Illinois, that one of the leading stars of this girl's basketball team is going to Eastern this coming...this fall to participate in their basketballs...program over there and we're delighted to keep our home town talent. I'd like to present their coach, Phil Stivers, who will introduce his team members. Phil.

COACH STIVERS:

(Introductions made by the coach)

SENATOR DAVIDSON:

On behalf of the members of the Senate, particularly Senator Demuzio and myself, I'd like to present to you Senate Resolution 195, which congratulates you on the outstanding talent you've done and we'll be looking forward to introduce you back up here next year. Good Luck. I might say, for those of you who are not up here close, Ann Floom, the other night, when Governor Thompson was presenting them then, shook him up a little bit, 'cause she's the first girl that could look him right directly in the eye and he didn't quite know how to handle that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, with leave of the Body, we'll return to the Order of Recalls. Senate Bill 949, Senator Karpziel. 997, Senator Collins. Senator Collins on the Floor? Senator Collins seeks leave of the Body to return Senate Bill 997 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 997, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

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Re called

SENATOR COLLINS:

Yes, thank you, Mr. Chairman and members of the...the Senate. Senate Bill 997 is the election reform bill for absentee voting for students. We took the bill out of the record. We have answered the concerns of our colleagues on the other side of the aisle. I think there's an agreement on the bill, and I would move for the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins has moved the adoption of Amendment No. 2 to Senate Bill 997...Amendment No. 1. Senator Collins has moved the adoption of Amendment No. 1 to Senate Bill 997. 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...1021, Senator...Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. 1021 is a matter of some importance, obviously, with all the amendments that have been filed. Both Senator Philip and I have discussed the necessity for a caucus at the point at which we reach 1021. My suggestion is, let's skip down to 1063. Let's get through the list, then we will revert back to 1021, at which time there will be a request on both sides for a caucus.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, we will skip down to 1063, Senator Luft. On the Order of Senate Bills...on the recalls, Senator Luft seeks leave of the Body to return Senate Bill 1063 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 1063, Mr. Secretary.

SECRETARY:

Amendment No. 1, by Senators Luft, Bloom and Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 1 to Senate Bill 1063 becomes the bill and permits income tax deductions on income earned from bonds, notes or other evidence of indebtedness issued by the State of Illinois, State organized authority or local public entity. Currently, Illinois bonds are exempt from Federal Income Tax but not State Income Tax. Other states, including New York, offer this so-called double exemption to its residents. In Illinois, only bonds issued by the Illinois Housing Development Authority get the double exemption. We believe that Senate Bill 1063 will result in a revenue loss up front although an estimate cannot be calculated at this time; however, such an incentive will over the long-run save State and local governments revenues as a result of lower interest charges on bonds made more marketable by the incentive.

PRESIDENT:

Senator Luft has moved the adoption of Amendment No. 1 to Senate Bill 1063. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I think members should be aware that this is a very dramatic change in tax policy that is being proposed in this amendment for the State of Illinois, and my guess is that the cost, while undetermined, and I think there is a fiscal note requirement that has been filed, is probably very substantial. I...I'm not sure that it makes any sense to speculate. I have heard some speculation that it might be as high as forty or fifty million dollars from the State revenue base. But the point is that we

have never...done this kind of thing to the Illinois Income Tax; that is, we have always added back in the interest that is on so-called tax exempt bonds that it is already exempt at the Federal level. What we are now providing is a double exemption, if you will; that is, exemption from Federal Income Tax and again of an exemption from State Income Tax of all of the interest on so-called tax exempt bonds. Now, some...I suppose it will make them slightly more desirable although I don't really think it's going to have that major an impact because the State Income Tax is still at a low, flat rate. It is the Federal Income Tax that really makes the difference and the reason for the tax exempt status of these bonds, and as many of you know, the...Congress has been trying to retract for the last several years because the Federal Treasury is losing billions of dollars from the exemption of tax...of the interest on these bonds and we are now beginning to start to do the same thing with respect to the State level. I don't really think it is going to be that much of an attraction, again, because of our low tax rate but it is going to be a large revenue loss.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...pardon...pardon me...Senator...pardon me, Senator Netsch. Can we have some order. This is a matter of some importance. Can we have some order, please...all unauthorized persons please vacate. Senator Netsch.

SENATOR NETSCH:

Thank...thank you, Mr. President. Again, some of you may decide, as a matter of policy, that you are...willing to change the tax structure of our State Income Tax this dramatically, but just be alert to the fact that it is a major change in policy at the State level and will be costly to our tax base.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. I've joined in the sponsorship in this amendment and we...I've thought about this for some time. First, in response to one of the arguments by the prior speakers, forty-four other states exempt from their state income tax income from this. Second, we...right now, this is not a major policy change in the instance that...we've already decided in the context of IHDA that to make these bonds more attractive in the market place, the IHDA bonds are already exempt from the State Income Tax. And might I add that makes them very attractive and, quite frankly, they're selling like hot cakes. It is the feeling of Senator Luft and myself and others who are looking at economic development in this State and the market-ability of our bonds that this is an attractive feature and that the fiscal statement shows that the revenue impact is minimal. We heard this kind of argument against abolishing the Illinois Inheritance Tax. Yet, we did indeed abolish the Illinois Inheritance Tax three, four years ago and we still have almost...right now, today, a seven hundred million dollar surplus in our General Revenue Fund. It seems to me that if we are going to send a signal to the rest of the world that we're ready to do business, that as a portion of this and as a portion of improving our infrastructure, 'cause I firmly believe that we will, at some point, have a program by the 1st of July, that we ought to do it with...insofar as possible with Illinois bonds and with Illinois bonds that are competitive with the other forty-four states. I think that this amendment and this bill are such that all of us in this Chamber can support. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

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

Senate. It has already been pointed out that there are revenue implications associated with...with this proposal and I...and it has also been, you know, pointed out that these...this change would make these bonds more attractive to potential purchasers which might result in...in lower interest rates as well, so that the...the fiscal impact does cut both ways for the State of Illinois, at least for those bonds which the...the State itself sells. For those bonds sold by other units of local government, it certainly is just a revenue loss to the...to the State. As I understand it, a...a fiscal note has been...has been filed. I would certainly appreciate the...the sponsor...all the information...gathering as much information as possible as to exactly what this fiscal impact is going to be before we have to vote on this on 3rd reading.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further...further discussion?...Senator...Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I stand on a point of personal privilege. I'd like to...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...can we have some order, please. Senator Smith, on a point of personal privilege.

SENATOR SMITH:

Thank you, sir. I'd like to introduce a...a group from my district of New City. They're down here lobbying today and I just want to recognize their presence. Would you please stand.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

If our guests in the gallery would please stand and be recognized by the Senate. Welcome to Springfield. Further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Luft, if a bond is sold as a tax exempt bond, would the State then get a higher rate of interest return for the bond or would the interest rate on the bond be lower?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

It would have...I don't think it would have anything to do with the interest rate of the bond.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, I...I...I don't think that's correct. I just read an article yesterday in the Tribune which stated that the loss in the Illinois Income Tax due to the tax exempt nature of these bonds would be offset to the extent that...the State would be able to get a higher interest rate. Certainly, if you're going to buy a bond and it's going to be tax exempt, I would think I would be willing to pay more money for a tax exempt bond than I would a nonexempt bond. So, I tend to think that the loss in revenue by the State from income tax would be offset to a great deal by the increased revenue to the State by the higher rate of return on the bond, and I intend to support this measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman. Senator Rupp.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, are you amending the Income Tax Act?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

So, there's nothing in...in your bill that speaks to the issuance of bonds. It only speaks to the...imposition of the tax. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'd simply want to point out to...to my colleagues that, number one, the argument that is made that somehow this will help the sell of Illinois bonds, the same argument will be true then of bonds of every other state; and most bonds of this kind are owned not by private individuals but by banks and savings and loans and insurance companies. So, to whatever extent we're granting tax relief, we are granting that relief to those business organizations to a much greater degree than we are to individuals. Also,...the...the argument that somehow this is going to make Illinois bonds sell better, I submit to you, is probably false because Illinois bonds are going to be treated just like the bonds of...of New York or any other state. When the owner files his tax return, he's simply not going to have to pay Illinois tax, regardless of whether he owns Illinois bonds or New York bonds or Alaska bonds. I'm not so sure this is a great idea. I...I think we ought to debate it on 3rd reading, but I would hope that by

that time, we'll know what the fiscal impact of this whole thing will be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. Not to belabor the point but I, too, have joined as a sponsor of this legislation. I did it for one, I think, very good reason. We need to take an initiative here in the State of Illinois and I think that there's a number of...a multitude of programs that we are going to consider before July 1 that are going to deal primarily with...Build Illinois and...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito,...pardon me, just a moment. Ladies and gentlemen, can we have some order. I have difficulty hearing the speaker myself. Senator Zito.

SENATOR ZITO:

Thank you. I think that we need to take some initiative in the State of Illinois, and certainly in this Body. If we're talking about bonding programs like Build Illinois, then I think we're going to have to offer some types of incentives. None of the people that have spoke in opposition to this amendment have really indicated the loss of...of money to the State...to the State funds and we're not sure; quite frankly, we're in a position that we don't know what the impact is going to be. Let's stop looking on the...on the short side or the short-term gains or losses and let's look long-term. We don't know for sure what...what the impact of this is going to be, but I would trust that it would be of a greater incentive to the State of Illinois and not only the bondholders but the State of Illinois. Let's start acting in the State of Illinois. Let's stop reacting to problems or...or have solutions of problems on a reaction basis rather than enacting. Let's take a good, bold step

forward and see if we can't...give some incentives to those individuals wishing to purchase bonds. I would...I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, we do allow exemptions in the Federal...under Federal and State...Federal Income Tax. I think this is a good amendment because it...as the prior speaker said, it will encourage more people to buy Illinois bonds, more money is going to be circulated to...to give us money to do more for education and others. I support the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. I think that Senator Bloom and Senator Zito have conveyed the intent of Senate bill...or the amendment to Senate Bill 1063 adequately. We're attempting to enhance the saleability of Illinois bonds. If that is a form of guilt, then I plead guilty and would urge you to join me in collective guilt.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft moves the adoption of Amendment No. 1 to Senate Bill 1063. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

Amendment No. 2, by Senator Bloom.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

I'd like to...I'd like to withdraw that amendment and be added as a sponsor to 1063.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Bloom seeks leave of the Body to withdraw Amendment No. 2, and I'm told that you are already a cosponsor of Amendment 1. Further amendments? All right, Senator Bloom is...Senator Bloom.

SENATOR BLOOM:

Yes, I'd seek to be added as a joint sponsor to 1063.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom seeks leave of the Body to be added as a hyphenated cosponsor of Senate Bill 1063. Is there objection? Senator Luft.

SENATOR LUFT:

I'm not objecting, Mr. President, I'm apologizing both to Senator Bloom and Senator Zito. It was my intent yesterday to add both those individuals as hyphenated sponsors and I would hope that you would do so at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we will add both...Senators Bloom and Zito as hyphenated cosponsors. Is leave...and Senator Geo-Karis as hyphenated cosponsors. Is leave granted? Leave is granted. It's so ordered. Senate Bill 1074. Senator Luft seeks leave of the Body to return Senate Bill 1074 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 1074, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 1 clarifies that the bill creates registration rather than licensing or certification. It also changes the composition of the Clin-

ical Laboratory Science Board, allows the Department of Registration and Education to define an alternative route of qualifying consisting of a combination of experience and education, adds a grandfather clause to register those who obtain documentation of experience and have been practicing for two years and makes technical changes. What we have tried to do with this amendment is to make Senate Bill 1074 not objectionable to anyone in the industry. Registration and Education has approved of it, and I would ask for the adoptment...adopting of Amendment No. 1 to Senate Bill 1074.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft moves the adoption of Amendment No. 1 to Senate Bill 1074. Is there 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. WCIA has requested permission to videotape the proceedings. Is leave granted? With no objections, leave is granted. Senate Bill 1160. Senator Welch seeks...1239, Senator Watson. Senator Watson on the Floor? 1276, Senator Kustra. Senator Kustra on the Floor? 1292, Senator Schuneman. On the Order of the Recalls is Senate Bill 1292. Senator Schuneman seeks leave of the Body to return Senate Bill 1292 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 1292, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Schuneman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is a Department of Insurance bill which seeks to raise the minimum level of...of capital and surplus required of companies doing business in Illinois. The bill as originally introduced was going to cause a problem for some of the small life insurance companies in the State. Through a series of meetings, those problems have been resolved and the increase in capital and surplus will now be phased in over a period of time. I think that everybody is now in agreement with Amendment No. 3 and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Schuneman has moved the adoption of Amendment No. 3 to Senate Bill 1292. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right, with leave of the Body, Senator Watson is on the Floor. We would return to Senate Bill 1239. Is leave granted? Leave is granted. Senator Watson seeks leave of the Body to return Senate Bill 1239 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 is Senate Bill 1239, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Amendment No. 1 clarifies some problems that we had with the legislation. It places the agency...the agency placing the student must notify the

appropriate school district of the status of the students, residency when applicable on or prior to the placement. Also the school district have responsibility for the provision of educational services for all school children ages three to twenty-one residing within its boundaries. The intent of this particular portion of the amendment is not to burden the school district with any...or without any financial relief. We're not trying to burden the district without financial relief. That's the intent of that particular provision. It also creates a new paragraph which in...which was in Senate Bill 1239 to clarify and emphasize the definition of a resident district. I move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson has moved the adoption of Amendment No. 1 to Senate Bill 1239. 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. 1250, Senator Watson. On the Order of...Senator Watson seeks leave of the Body to return Senate Bill 1250 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 1250, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Appreciate your going back to this order of business too, thank you. Senate Amendment No. 1 to 1250...this is the Library Act, which I'm sure many of

you have been contacted about. This amendment now becomes the bill and what we're going to do, and I'll just read the language, it says that...well, what we're actually doing is changing from "shall" to "may." When a library is formed by a corporate authority, a...municipality, when a library is formed, a district is formed, right now, the...the legislation and...and the Act reads that you shall levy a .15 percent tax. What we're saying is that this...may be levied and this...this will only be in effect for six months. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, Senator Watson has moved the adoption of Amendment No. 1 to Senate Bill 1250. 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 Kustra on the Floor? Senator Marovitz, 1317. Senator Marovitz seeks leave of the Body to return Senate Bill 1317 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 1317, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Mr. President and members of the Senate, I would move to Table Amendment No. 1 which has already been adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Marovitz, having...having voted on the prevailing side, seeks to reconsider the vote by which Amend-

ment No. is adopted. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Marovitz now moves to Table Amendment No. 1 to Senate Bill 1317. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Senator...further amendments?

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. This new section...new amendment, Amendment No. 2, allows the State board and local boards of education and community college districts to establish programs directed at providing academic and employability skills for individuals between the age of sixteen and twenty-two who are the dropouts throughout the State of Illinois and are no longer enrolled in school. Funding for these programs will be set annually by us, by the Legislature. House Bill 1070 currently contains an appropriation of nine million of which 4.5 million is directed strictly for the dropout problem. The amendment requires that these programs be outlined within the adult education plans currently required by law so that we ensure that these programs will be coordinated closely with other education programs within regions of the State and not duplicative in nature. I would ask for adoption of Amendment No. 2 to Senate Bill 1317 which has been worked out with the State board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Marovitz moves the adoption of Amendment No. 2 to Senate Bill 1317. 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. Can I have your attention, please. Senator Vadalabene has a special guest that he'd like to introduce to the Senate. Senator Vadalabene.

SENATOR VADALABENE:

Thank you, Mr. President and members of the Senate. I would like to have your attention and I would like to have it quiet. We have a very distinguished guest here with us this morning. He's chairman for the Run-For-Freedom. He has two silver stars, three bronze stars for valor. He's a Vietnam Veteran in 1968, a very good friend who I got acquainted with over the past few years, he served in the Ninth Infantry Division, my good friend and I present to you, Tom Stack, a Vietnam Veteran from Chicago. Tommy, would you say a few words. Just...

TOM STACK:

(Remarks made by Tom Stack)

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of Senate Bills on the Recall, Senate Bill 1402. Read the bill, Mr. Secretary. For the record, Senator Collins seeks leave of the Body to recall Senate Bill 1402 back to the Order of 2nd Reading for purposes of amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill 1402. Read the bill, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Collins.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, I want...I would like to Table Committee Amendment No. 1...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins moves to Table...Senator Collins, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 1 was adopted. All those in favor signify by saying Aye. Those opposed. The Ayes have it. The motion to reconsider passes. Now, Senator Collins moves to Table Senate...Committee Amendment No. 1 to Senate Bill 1402. Those in favor signify by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is Tabled. Any further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Collins.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Amendment No. 2 clarifies the intent of the Vocational and Professional Enterprise Training Center. It changes the administration from the State Board of Education to the community college board. It provides for some definition and expand the...eligibility requirements, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and members of the Senate. A question of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR HUDSON:

Senator Collins, does this amendment strike everything after the enacting clause?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, it does because there were a lot of technical errors and we just...had the bill redrafted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

It...it would seem to me that we are dealing here with a bill of some substance...one of the bills in your...your package, and it would seem to me that we should perhaps be better informed than I feel some of us are currently as to just exactly what the amendment does. Has that amendment been distributed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

We've just...we've talked with your staff person about the amendment and he does have a copy of it now. The amendment was in the Reference Bureau, we couldn't get it out in time. It does not substantially change the...the basic bill that was introduced and debated in the committee. It simply changes the administrative structure, that's all, from the board of education to...from the State board to the local community college board, but the program remains the same.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

I appreciate your explanation, Senator Collins, but I do recall some discussion not long ago on a matter similar to this, there may be another Senator here that would speak to that perhaps more personally than I, but my staff person does indicate that he has not received a copy of it and I think it would be, perhaps, wisest that we all take a good look at the amendment before we proceed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, are you joined by five other Senators? Indi-

cates he is. Let's take it out of the record. On Senate Bills...well, Senator, let's not take that out of the record. Evidently...if we do, technically, it will not be journalized and the action on Tabling Amendment No. 1 would not be recorded, so we will...yeah, why don't we just take Amendment No. 2 out of the record and...and proceed to the next order of business and leave 1402 on the Order of 2nd Reading. Our next order of business is Senate Bill 1458, Senator Collins. Senator Collins seeks leave of the Body to have Senate Bill 1458 recalled to the Order of 2nd Reading for purposes of amendment. Is leave granted? Hearing no objection, leave is granted. On the Order of...Senate Bills 2nd Reading, Senate Bill 1458. Read the bill, Mr. Secretary.

SECRETARY:

Amendment No. 5 offered by Senator Collins.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I have...this amendment has been distributed. The only change in this amendment is the employment figures. Currently, we had a figure of fifty percent above the State average. Now, it is six percent unemployment, that's all it does, and I move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Collins moves the adoption of Amendment No. 5 to Senate Bill 1458. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 5 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. On the bottom of our recall sheet, we have two bills. We have Senate Bills 607 and 971 that are on con-

sideration postponed. Sponsors...Senator Maitland of 607 and Lenke of 971 seek leave of the Body to have these bill brought back to the Order of 2nd Reading for purposes of amendment. Is leave granted? Hearing no objection, leave is granted. On Senate Bill 607, read the bill, Mr. Secretary.
SECRETARY:

Amendment No. 1 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 607 is the one that was debated quite...quite lengthy the other day and is now on...resides on postponed consideration. I would...I've attempted with this amendment to meet many of the...many of the objections, and let me just briefly read the amendment to you. "The State Board of Education may make exceptions to the requirement of citizenship if the State Board of Education has determined there is a shortage of teachers in the subject areas a teacher is qualified to teach or if the State Board of Education has determined that extenuating circumstances have delayed the ability of the holder of the certificate to file for declaration of intent to become a citizen." I believe this meets many of the objections and I would move for the...for the adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Maitland moves the adoption of Amendment No. 1 to Senate Bill 607. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Back...we will return 607 back to the Order of Postponed

Consideration. 3rd reading, consideration postponed. On 971, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this amendment does is amends a...two things, and we had this bill up...which was brought up. One, we're taking out the word "all" and putting "reasonable expenses for extradition," and we're taking...and we're definitely putting in there that it's for felonies only which was the intent of the bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WATSON:

...what is the fiscal impact? Now we...the other day we debated this and...and it...it went down and now we're on consideration postponed, but what is this going to do to the fiscal impact? Is it going to have anything to do with it at all?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Well, this...this amendment will...will reduce the cost and clear up some of the problems. We're talking reasonable and we're saying felonies only. So, this will definitely add to the reduction and what it's going to cost for the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, I understand that felony is currently in the law, so really, we're not making any change in regard to that. I understand right now, felony is in the law. So, for all practical purposes, this amendment really does little or nothing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator...well, that was a statement...I took it as a statement, Senator, not as a question. Senator Watson indicates that that was a question, Senator Lemke. Do you wish to answer it?

SENATOR LEMKE:

Well, Senator Watson's the one that raised these points. Now, we're trying to clear up these points to solve his problems and make it definitely save for felonies. It's my understand that reasonable expenses are not paid yet to the counties that extradite people. All they do is get legal fees, they do not get reasonable expenses when they go after a State felon...felon convicted under State law. This is...this clears...this...this amendment answers those objections they raised. Reasonable...we put the reasonable instead of all and we put the word felonies so it's...there's no problem.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, one other question. What is the definition of reasonable? In regard to this Act, what is reasonable? That...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Lemke.

SENATOR LEMKE:

The word reasonable would be left to whatever the Stat-

utes say and would be left to the discretion of the Department of Law Enforcement. There's...if you want to look at the Statute of what reasonable reads, you can read the Statute and it'll...there's a lot of law cases...with the word reasonable, and I'm sure that it'll be construed as reasonable expenses.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I haven't had a chance to see the amendment, but I think it does what many of us would like it to do. If I...Senator Watson, if I can attempt to answer what I think was your question, the current law, I think, only provides State assistance for extradition when...when a sentence in the penitentiary shall, underline shall, be imposed, and that essentially means that State aid is only provided where you're dealing with a...a nonprobationable or nonprobationary offense, but for all of the felonies for which a defendant might be placed on probation, and certainly there are any number of them, then in that...in that particular situation, there would be no State aid...as the current law has apparently been interpreted. So, this would clearly delineate the...the State's and counties' responsibilities saying, in essence, that where we're dealing with a felony, then counties would be reimbursed for the reasonable costs of extraditing the accused but not in the case of misdemeanors where it would be up to the counties to determine whether they wanted to extradite and...and in those situations to bear the costs themselves. I...I hope that's a correct answer and I...I hope it clears up the questions remaining here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Lenke moves the adoption of Amendment No. 1 to Senate Bill 971. Those in

favor indicate by saying Aye. Those opposed. The Ayes have
it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The bill now will go back to the Order of Consideration
Postponed on 3rd reading. Senator Rock.

END OF REEL

REEL #3

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the...if I can have the attention of the membership. I think the appropriate time is now, we will be dealing with the recall of Senate Bill 1021 with its...all its amendments. When...when we return from the caucus we will deal with 1021; having concluded that, we will then get on the Calendar, on the Order of Senate Bills 3rd Reading beginning at...where we left off yesterday which was Senate Bill 119, and we will continue to work until approximately six o'clock. I need not remind the members, I'm sure, if you look at the back page of the Calendar, it indicates we have four days remaining and we have four hundred bills and we have yet to move any bill today. So I think it's incumbent upon all of us to act as expeditiously as we can. I would urge the members to stay close to their desk and their files and be ready to go. In the meantime, I will yield to Senator Vadalabene.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. There will be a Democratic Caucus in Room 212 immediately. 212, immediately, so that we can get back and get at the business at hand. Room 212.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr...Mr. President, I'd like to request a Republican Caucus in Senator Philip's Office, please forward your lunches there. Those of you who aren't on the Floor, please get

*SB 1021
Recalled*

there, so we can get underway. Saturday morning isn't much fun in Springfield they tell me.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Senate will stand in Recess for approximately one hour.

RECESS

AFTER RECESS

PRESIDENT:

All right. The Senate will come to order. While the members are gathering we'll have...with leave of the Body, we'll go to the Order of Committee Reports, Mr. Secretary.

SECRETARY:

Senator Savickas, chairman of Assignment of Bills Committee, assigns the following House bills to committee:

Elections and Reapportionment - 181, 338; Elementary and Secondary Education - 873, 1638; Higher Education - 301; Executive - 16, 121, 195, 210, 303, 306, 421, 422, 556, 864, 1212, 1385, 1488, 1654 and 1655; Executive Appointments, Veterans' Affairs and Administration - 957; Finance and Credit Regulations - 204, 809, 1163 and 2129; Insurance, Pensions and Licensed Activities - 112, 1363, 1364, 1365, 1366, 1670, 1966 and 2523; Judiciary I - 89, 197, 489, 497, 792, 1393, 1576 and 1860; Judiciary II - 778; Labor and Commerce - 1438; Local Government - 25, 37, 241, 344, 714, 733, 775, 899, 1079, 1356 and 1585; Public Health, Welfare and Corrections - 302, 304, 305, 307, 394, 951, 1930, 1947, 1971, 2113, 2189 and 2310; Revenue - 48, 257, 313, 323, 496, 538, 601, 710, 980 and 929; Transportation - 150, 178, 188, 430 and 1299.

PRESIDENT:

All right. With leave of the Body, we'll go back to where we left off on the Order of Senate Bills 3rd Reading, the top of page 25, is Senate Bill 1021. Senator Netsch

seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of consideration of amendments. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading...on the Order of Senate Bills 2nd Reading is Senate Bill 1021. Any amendments from the Floor, Mr. Secretary?

SECRETARY:

Amendment No. 3 offered by Senator D'Arco.

PRESIDENT:

All right. Well...withdraw those two, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Bloom.

PRESIDENT:

Senator Bloom on Amendment No. 3.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators.

PRESIDENT:

Senator Bloom, excuse me for a moment. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Senator Bloom and others, could we ask you now because there are differing numbers on the amendments to indentify, please.

SENATOR BLOOM:

I was about to...I was about to...I was about to make inquiry of the...Chair. The amendment that I have written in the upper right-hand corner is Bloom, then 3 crossed out and 5 is put there. Should I give you the LRB number to expedite the process? What I have is LRB 8404382JMCSAMOL. Is that correct?

PRESIDENT:

I think we're on the same wavelength.

SENATOR BLOOM:

All right.

PRESIDENT:

...wait...wait...before you start,...

SENATOR BLOOM:

Sure.

PRESIDENT:

...Mr. Pearlman, from the AP has requested leave to take photographs. Senator Sam, get ready, he's going to take your picture again. All right...

SENATOR BLOOM:

And, Senators...

PRESIDENT:

...Senator Bloom on Amendment No. 3. Senator Demuzio, will you...

SENATOR BLOOM:

Senator Sam, stay away from the cauliflower. Okay. Thank you, Mr. President. Basically, Amendment No. 3 addresses holding companies' reorganization, interim relief, the standards of inclusion, construction cost audits and fuel adjustment clauses. I think at the outset it might be useful for this discussion and other debates that follow to make the point as someone who served on the joint committee that...I think we're all starting from the same premise. First, I would beg the indulgence of my fellow Senators because the issues involved not just on this amendment but on other amendments are extremely complex. 1021 in its present form without this and other amendments bristles with good intentions and in the judgment of many is unworkable; therefore, in offering Amendment No. 3 I would point out what it does. It provides, first, in the area of holding companies, provides a definition for both holding company system and associated company to strengthen the Act. It addresses the issue of reorganization. As presently drafted 1021 says that the Commerce Commission must know forever and ever that there will never ever be any harm to the ratepayers in all situa-

tions. I think that the limitations on the present Act were provided in the People's Gas case, where the Commerce Commission was taken to court and prevented from exercising jurisdiction to...protect the ratepayers several years ago. 1021 without this amendment does not provide the flexibility. The holding company and reorganization process provides strong front-end...strong front-end jurisdiction and by its terms says, that the commission must find that the reorganization will not diminish the utilities' ability to provide adequate, et cetera, safe, economical utility service, that the reorganization will not result in any subsidization of the nonutility activities by us the ratepayers. And that...if they're going to split off, all costs in facilities are fairly and reasonably allocated between the utility and the nonutility; and that by allowing for a holding company or reorganization, that will not impair the ability of the utility to raise capital in order to construct facilities. This portion provides very strong front-end jurisdiction. Now there is a basic split of difference, if you will, between what is envisioned by some. There are those who think that, if you can look this way, the construct ought to be here's the utility up here, and then here are all the various nonutility operations under here and that the Commerce Commission should be in the business of regulating not only the utility but the affairs of let's say the nonaffiliated shoe factory or what have you. I don't think that is the case. I don't think that...we want to have that many items on the Commerce Commission platter. The Commerce Commission will have the ability to also review the utility and the jurisdiction over the utility to make sure that monies are not being streamed elsewhere to subsidize the nonutility activities. I think that's important. Also, it changes the language on providing interim rate relief. There has been no interim relief granted since January of '83 to any gas or

electric utility, although there have been requests, generally it revolves around construction. Since January of '83 there have been four cases involving little water companies that were near bankrupt. The problem, again, with 1021 without this amendatory language is that it puts the agency in a straightjacket and it provides, without this amendment, that a...an operation has to be on its uppers, almost totally bankrupt. That I think does not provide for the kind of flexibility that we need in the context of both reliability and in the context of predictability for our ratepayers. The amendment adopts language which more accurately reflects when a plant should be considered in service; in other words, without this amendatory language, the used and useful language is used and the problem there is that it has been construed to include what they call construction work in progress or CWIP. There are utilities where there is no CWIP. It more precisely says when a plant is in service. It specifically deletes lines in 1021 which effectively prohibited cancellation costs from being covered. All right? Construction cost audits: basically it provides some flexibility in looking at audits, and there is a misconception in 1021 without this amendments and that misconception is as follows. There are references to generally accepted auditing standards, both in this portion that's being amended as well as in management audits. That applies only to financial audits. It is...it is misleading somewhat. By having it changed to this and using the standard of prudence, the commission is not locked into whatever an auditor finds. Next to last, it involves rate moderation plans. The joint committee report stated that the commission should be required to consider a phase-in of additions to the rate base when the additions are substantial or would have a substantial impact on rates. This portion of the amendment attempts to implement that; however, the language without this amendment states that rate

moderation or phase-in can only happen to those instances where construction work in progress funds have been allowed. Well, the proposed amendment responds to the real word, and the real world situation is that Byron and Braidwood have no CWIP; and under the terms of 1021, without this portion of the amendment, you can't phase those in. And this effectively, again, puts the commission in a straightjacket. Finally, the language on the fuel adjustment clauses. Basically it provides, again, a little more flexibility and says that the commission can adjust the FAC and PGA to reflect both the markets and the changes in Federal policy. This is important because in the instance of natural gas, which I happen to have a particular interest in, it gives the permission...the commission the power to put a stronger obligation on your local utilities to go out and find cheaper natural gas. I have tried to give a once-over-lightly. I'll try and answer any questions you may have and, obviously, seek its adoption. I'm sorry it took so long but this is a complex area.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senator, would you respond?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...yeah, he indicates he will. Senator Joyce.

SENATOR JEROME JOYCE:

Yes. Why are you eliminating the utility burden of proof in rate cases when that's in the current law right now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Could you point out where in this amendment...it might be the right question but the wrong amendment. I don't know. If you could take me to the page.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce. I would ask the doorkeepers if they would hold...hold those cards out there, the members have indicated that they wish to listen to the debate on these Floor amendments. So you just hold the cards. Senator Joyce.

SENATOR JEROME JOYCE:

Line 144 through 149, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

This will go a lot quicker if you reference the page on the amendment where it's...saying...on what page?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Page 4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Bloom.

SENATOR BLOOM:

Are you...referencing the deletion of lines 18 through 31 or the additional language that says, "On such hearing the commission shall establish the rates or other charges, classifications, contracts, et cetera in whole or in part or others which had...find to be just and reasonable." I...I...I...I'd like to answer...just a little confused...as to the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce...Senator Joyce.

SENATOR JEROME JOYCE:

Yes. It is the latter part that you read, "on such hearing the commission shall...establish."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Oh, I'm...I'm informed that the burden of proof is always on the utility and this does not make such a change, that this is the standard utilities' language or commission language.

PRESIDING OFFICER: (SENATOR DEMUZIO)

UPI has requested permission to take still photos. Is leave granted?...hearing no objections, leave is granted. Senator Joyce.

SENATOR JEROME JOYCE:

Well, it eliminates the...the burden of proof to establish the just...justness and reasonableness of the proposed rates and other charges.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce.

SENATOR JEROME JOYCE:

Yes, Mr. President, it just seems to me we're making it more lenient on the utility companies with this piece of legislation than it is currently with this amendment. So I...you know, I...I don't think that's the direction that this General Assembly wants to go.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Okay. When...I kept coming back to flexibility. Where you say the burden of proof is on the utility, this restores it to the present language and present practices before the commission, this amendment. Now, to say the burden of proof is...is upon the utility, then, the utility controls what is the kind of evidence then that is put before the commission.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Okay. The...the courts presently now say that it's on...the burden of proof is on the utility, and why not just

codify that in the legislation we're doing now instead of raising questions about it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Well, simply put. Under case law, the burden of proof is on the utility to...to put it into statutory law. What you...what you've been informed by...my handlers inform me that what your handlers have informed you is partially correct, but that when you get into this, then the utility controls the standards of proof and how much is offered. Here the...the...commission has the flexibility. The...the utility goes and offers items A, B and C approve. They say, fine, we've met the burden. In this...if you add this language in, then arguably you're building in a trip to the circuit court if the commission says, I'm sorry, we don't think A, B and C is enough, we think that you ought to add D, E and F. And we're saying, as long as the...the courts have a fairly consistent and predictable interpretation, why put it into the case law?...or why put...why put it into the Statute? I mean, I...I truly believe, Senator, that the amendment shouldn't rise and fall on...on this point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Joyce, have you concluded? Senator Joyce.

SENATOR JEROME JOYCE:

Okay. We're also liberalizing the interim rate relief standards in this. Why are we doing that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

We are not doing that. We're returning them to exactly the way they are. The codification of the existing standards appeared to be the intent of the joint committee; how-

ever, there is a portion that says, "There must be an obvious revenue deficiency coupled with one or more of the following." This basically, as I said in my explanation in chief, says that a utility has to be practically bankrupt before they can get some kind of interim rate relief. The amendment provides for more flexibility.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, well, I'm informed on page 5, in parenthesis five, six and then on page 6...7, those are all new items that liberalize the...and they're...and they're...they're very different from the existing Statutes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

It...it...codifies...maybe I should explain it. The existing standards that are used in their regulations, let me read what the existing ones are right now. A sudden decline in revenues caused by factors outside the control of the utility and inability to arrange debt financing or attract capital at reasonable cost without increasing operating revenues and evidentiary showing that deferral or partial rate relief until the final order can be issued would result in an unreasonable and harmful lost of revenue to the petitioning utility and that reasonable grounds exist for the commission to believe that the utility would be entitled to rate relief at the time of the final order is issued. This is lifted right from that docket, sets it out. And two more are added but the overall intent on that area is to provide some flexibility in the application of the guidelines while continue to ensure that the interim relief is allowed only where necessary. And it further allows the commission to take into situation rapidly changing Federal regulatory requirements in

determining whether or not to grant such interim relief. The idea is to try and take into consideration the environment on which these monopolies are regulated. We both have participated in the natural gas wars, on the same side might I add, and the U.S. Court of Appeals out in Washington not six weeks ago has changed that Federal regulatory environment when they overturn the Federal Energy Regulatory Commission's special marketing provisions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

All right. But, then, what you're telling me is it...it's all right to codify this part because this helps the Commerce Commission and the utilities, but it's not all right to codify the part where you're speaking about before where the utility bear the...burden of proof.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Bloom...Senator Bloom, you're on.

SENATOR BLOOM:

All right. No. I think...I think what we're...what the amendment is saying on...that was page 4, I believe, where you were saying that...this...this 18 through 31...18 through 31, the burden of proof is still there in the general order.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. I...I think what...it's obvious what we're doing here is...is...these amendments that are about to be offered are...are the amendments that are coming from the Commerce Commission and the utilities, and I think we can go back and forth and debate these issues when...really we all know a little bit about what we're doing here and I think that, perhaps, we should just go ahead and...and we've discussed these matters some fourteen hours in committee, I

think that we should go ahead and...and try and speed this up and take some votes on...this thing and...and just see where we're at. I think that obviously we're going...we're going to just get bogged down in this process, and it's...it's kind of the utility companies and the Commerce Commission versus the rest of the world, the consumers, so I think that we should just go ahead and do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Keats.

SENATOR KEATS:

I have been troubled for sometime in terms of the Commerce Commission not being able to regulate what you call spin-off businesses. I want...I would like to ask a couple of questions in terms of where their assets come from. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Keats.

SENATOR KEATS:

Okay. When we talked about this other business, as you were saying, euphemistically, the shoe factory. The shoe factory that you referred to, euphemistically the shoe factory. Do any revenue...any revenues that the utility gets that are generated under their rate base, generated under the...revenue stream they get from the Commerce Commission, do they use some of those revenues for these other companies?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

It's specifically prohibited unless you're talking about dividends in a situation. But it's specifically prohibited that they be subsidized.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

The second question...revenues. Do they use depreciation from the depreciable assets under their rate base for any of these side companies?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

No...no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Do they have any individuals who are under the payroll that's covered by their rate base working with any of these secondary companies?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

I don't follow that question...I don't follow...you mean, somebody...the chairman of the board of...let's say,...or the treasurer or something like that. Is that what you mean? I...I don't quite follow your question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Would, as an example, the vice-president for marketing for Commonwealth Edison, could they also be the vice-president for marketing for this firm but being paid by the utility not by the firm?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

No. The cost must be allocated according to this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank...thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I will be relatively brief because I agree with Senator Joyce that the...the source and genesis of these amendments...or of this amendment and several others is obvious, and I would point out, as one of those who served through long and agonizing deliberations on the joint committee, that the several amendments that are pending before you today would virtually rewrite the many weeks and months of work that went into the report of the joint committee, and in some cases they are ideas that were never even raised or discussed at the joint committee meeting, which it seems to me is a rather remarkable state of events. Let me mention just a couple of things that bother me enormously about this amendment and I rise, incidentally, in strong opposition to it. One, and I think Senator Keats was beginning to get at this point, it drastically changes the reorganization provisions. We had already modified our original proposal in Committee Amendment No. 2 which is on the bill now. It may be that it doesn't satisfy everyone in every respect, but it does at least control some of the kinds of...of divestitures and spin-offs that I think Senator Keats was talking about. As I read this amendment right now, it would cover the creation of the holding company itself and that's all, and the other aspects...divestiture, spin-off, et cetera would not be covered, and that would enormously weaken the commission's jurisdiction with respect to the nonutility business of a utility that is part of a holding company. Secondly, I think, as Senator Joyce pointed out, we did write in provisions that dealt with the granting of interim relief. The...the modification here would considerably weaken those

standards, and it seems to me that that is not a desirable state of affairs, but there are standards even in the joint committee bill and that is quite important. I'm going to skip most of these but let me mention one that I think has not been referred to, for example. In one part of the amendment by moving to the so-called prudency standard alone the...this amendment is inconsistent not only with the joint committee report but also with the Governor's Message and the Governor's Sunset Task report and what...effectively would do would be to allow a return on cancellation costs...a return on the cancellation costs, and that is contrary even to existing commission policy. Finally, on...let me mention one other only. On the prudency of the gas and fuel purchases, the...the way this is written now...the amendment is written, the commission really would not be able to prevent or cover any rate increases such as those that were passed through CILCO in 1982, and I think that...Senator Bloom, with your concern about Panhandle and the problems arising out that, if I were you, I'd take an awful close look at that part of the amendment again. It seems to me that it would for all practical purposes legalize what happened there instead of providing a means of controlling it. For these and other reasons too numerous to mention, I rise in strong opposition to Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Channel 20 has requested permission to tape. Is leave granted? Leave is granted. Senator...further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would too like to stand in opposition of this...in this amendment, if only for just one particular reason and that reason is the...the temporary rate increases that will be allowed by this amendment. This not only allows a temporary rate increase, it guarantees that a

rate increase will be granted sooner than ever before, quicker than ever before and probably the higher rate than would be granted if we went to an actual hearing. What this amendment says is, "In determining whether to grant a temporary order, fixing a temporary schedule of rates increasing revenues, the commission may consider but is not limited to considering the following. A sudden decline in revenues caused by factors outside of the control of the utility." That is one of the broadest grants of power that a commission could have, and then it goes on to cite six other instances but instead of saying, and the other six, it says, or the other six. So if the utility cannot slip into that broad category, it can slip into the next one, the need to maintain the financial integrity of the utility. Well, anytime a utility isn't getting money, you can say that their integrity of their financial situation is being imperiled. Anyone could fit within this amendment, and I would certainly oppose its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom may close.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. First, prior two speakers have perhaps misstated the facts. Senator Netsch, the fuel adjustment clause and PGA are not part of interim rates. Second, a return on costs is not inconsistent with the existing policy, but the point is on this particular amendment that if we are going to have something that is workable and predictable, we are making policy not just in the context of the lowest possible rates but also maintaining a system and a method of regulating monopolies, we have to have amendments of this kind. It's a fact like today's date. I understand there's a differing concept, differing views of...of how to go after the holding company issue. However, the powers remain in the commission to make sure that that

utility is not subsidizing the unrelated activity, the hypothetical shoe factory, and that it does have the strong front-end powers so never again can People's Gas take the State to court and say, you can't look into what we're doing. That's a fact like today's date. But you have to have a...you have to some flexibility and it makes no good sense regulatory or otherwise to envision only a utility up here and then a lot of little things done here and the commission regulating the shoe factory. And there is no good reason to criticize the rate moderation plan. I think that even those of you who would resist this amendment will agree that the language that says that only in the instance where CWIP funds have been allowed can there be rate moderation, and I think that even those of you who stood against the amendment would agree that to provide some flexibility with the fuel adjustment clause and the purchase gas...PGA which is proper should go on. All in all, I would say that taken individually or as a package Amendment No. 5 and the others inculcates at least twenty-eight or nine of the thirty-seven recommendations of the joint committee, and in many instances it improves upon the existing language of 1021. Therefore, I would ask for a roll call and seek an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Bloom has moved the adoption of Amendment No. 3 to Senate Bill 1021. 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 25, the Nays are 31, none voting Present. If...on the adoption of Amendment No. 3, the amendment fails. Further amendments?

SECRETARY:

Amendment No. 4, by Senator Bloom.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. This amendment addresses basically energy planning.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom, Senator Netsch is making a request to identify by LRB number.

SENATOR BLOOM:

All right. Very good. It probably would have been number six but it is LRB No. 404392GLSBANON...01.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Got it, Senator Netsch? Senator Bloom.

SENATOR BLOOM:

Okay. Thank you, Mr. President. What a great way to spend a sunny day. This amendment addresses basically strategic studies in long-term planning, and it deletes the original section 4.4-302 and it really belongs in the new Transportation Act as opposing to this Act. The amendment creates a new section 4-302 which orders the commission to undertake a number of strategic studies investigating changing energy service markets and the changing role of regulations. It's basically necessary if we're to be the...in the forefront of the utility regulation. The following areas would be examined by the commission: energy, conservation, the investigation of new staff needs as a result of the new Act, ways to permit lower prices through competition in the natural gas industry, reevaluation of the current methods of determining auxiliary energy charges for solar and nonconventional sources of energy, an examination of potential of co-generation as a viable alternative to central power stations, examine whether power brokerage or power auction markets should be developed to examine the potential benefits of intrastate wheeling, to examine the need for unbundling rate structures under regulated and competitive market condi-

tions, to examine the feasibility of utilities working jointly in order to make the most effective use of generating plants or the purchase and distribution of natural gas and to examine the costs and benefits of...well, to continue looking at CWIP which is part of the joint committee's recommendation, and to examine and analyze...energy demand forecasting technics. Essentially, what it does is provide for an annual report with the General Assembly and it restores the requirements set forth in the joint committee report which states that the commission should submit an annual report with a comprehensive reviews of the activities, budget, staff, significant cases. It requires the commission to undertake extensive analysis of...significant policy areas enumerated, directs the commission to investigate the current procedures on estimating customer bills and tells the commission to develop alternative billing procedures which would better reflect actual energy consumption. As currently written 1021 mandates duplicative action by ENR. It results, I believe, in unnecessary expense incurred by both the taxpayers and the ratepayers. There's no reason to mandate by Statute for ENR to do something they already have authority to do. It reduces the planning period from twenty to ten years, because it is conceded by all people that are interested in this issues that once you get into planning beyond the ten-year time frame, it is essentially all guesstimates. And an important feature here is that the utility must file each year...each year an update of their energy plan. As written, 1021 says this shall only needs to happen every two years. It's felt that's too long for a major construction project, two years is too long. Also, the amendment provides the commission with explicit authority to cancel certificates of public convenience and necessity. I think it...it only reasonable that the commission should have that authority. It needs a hammer over the utilities. Central Dispatch, I

had thought had been totally taken out of this amendment. It's only been taken out in one place, and if this goes on, I have an amendment prepared to take it out elsewhere. Finally, the references to least cost energy are removed because they're meaningless unless...unless put in a time frame. If 1021 were the law without this amendment, 1021 would say,...in essence, the commission would be ordered probably to tell the power utilities, go out and buy little peak capacitors run by natural gas, and at some point, five, ten years from now, we would then be in a crunch and there would have to be a crash building program. I'll try and answer any questions you may have; otherwise, I'd seek your support.

PRESIDENT:

Any discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President...I would urge that we defeat this amendment also. But, Senator...Senator Zito said if we had more solar energy, we wouldn't have to spend a sunny day in here. But this...this reduces the ICC reporting requirements to the General Assembly. It also eliminates a vote by all seven commissioners to initiate studies and approve contents of reports to the General Assembly. It also eliminates the Department of Energy and Natural Resources from the State's long-range energy planning process. What we're doing is...you know, we might as well get rid of the rest of the Commerce Commission members and let the chairman run the whole show and tell everybody what...what type of energy they're going to have and what kind of requirements they're going to have, and I just think this is a bad idea. I think we need more input from all of the...the commission members and perhaps a little less from the chairman.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I think what happens in that section to which Senator Joyce just referred is that the ten point deregulation plan which Chairman Phil O'Connor kept proposing to the members of the joint committee and to Senator Joyce's committee on...and which was not accepted except as...you know, something visionary to look at maybe way down the future, he has now basically written into the law in the form of this amendment in the guise of studies; and, as Senator Joyce pointed out, it is only the chairman...not the full membership of the commission that will decide the scope of these studies which could be very expensive and very time consuming and may well ought to happen, but it is seven people who ought to decide that, not the chairman alone. One other...two other things I would briefly like to mention, one is that it seems to me that this amendment substantially reduces the scope of section 8304 which is the proposed studies of estimated utility bills, something that the joint committee and others have been quite concerned about, and if I recall correctly, it was specifically Jeff Miller who...who did want to make sure that this was covered. It seems to me that your language has weakened that...the scope of that and also deleted the requirement that it be reported to the General Assembly. I would also like to point out that on page 10 in lines 3 to 6, as I read the effect of your language, you have, in fact, reneged somewhat on our commitment to Illinois coal. It is...it's a slight change in the language but, as I read it, it very decidedly puts the commitment to Illinois coal at the end of a list of...of considerations not at the front of the list as it was before. And it seems to me, particularly for those downstate members, that is something very much to be concerned about. Finally...oh, the elimination of the Department of Energy and Natural Resources. There are a bunch of places in these amendments,

Senator Bloom, not just yours but some of the others, where the Department of Energy and Natural Resources is eliminated from the process. I think that is a very grave mistake. One of the things that all of us were very impressed with was the need to have their kind of expertness involved in the setting of planning and priorities. It is absolutely...critical that we have their input in the process. Sure, it doesn't have to be written into the Statute, they could probably do it anyway, but by having it in here we make it clear that they are a...an essential part of the planning process, and it seems to me that it is absolutely contrary to a commitment that all of the members of the joint committee, as I recall, shared by writing them out at this point and other points. For those and other reasons, I oppose Amendment No. 4.

PRESIDENT:

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. A question on wheeling power. Will the sponsor yield?

PRESIDENT:

Sponsor indicates he will yield, Senator Keats.

SENATOR KEATS:

One of the concepts of holding down utility rates is to allow the transmission lines to be regulated but allow competition at the generating source. What would happen under this...could we get a downstate utility who can in many cases generate power cheaper than some of the Commonwealth Edison plants, can we wheel power to our areas without having Commonwealth...Edison tack on costs that make it not only unproductive but financially not feasible?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Under this amendment, the concept of wheeling is taken

out.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Okay. So what we're saying is, under this amendment, we have not allowed for competition at the generating source. Is that what that amendment says?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

No. It just...it's not among the list of things that the commission would be called upon to study at this point.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Okay. If Illinois Power who supposedly could produce, let's say, electricity a little cheaper could sell that power in northern Indiana, is there any way for them to get that power to northern Indiana under this amendment?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Well, existing law in this amendment would not change it. It gives the commission the power to order sales, and as matter of fact, I think as part of the CIPS rate hearing, they were ordered to attempt to sell their excess capacity. So this would it be...this would leave that option unchanged.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

I know the options there today but Commonwealth Edison tends to tack on a couple of percent at the top that makes it impossible to do. What I'm saying, do we do anything to keep Commonwealth Edison from soaking all of us on that

wheeling issue?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Lease cost management would dictate how that would be. I...or another way of putting it would be to say, you can have at that through the PGA.

PRESIDENT:

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

SENATOR BLOOM:

I certainly do. In closing, the criticisms leveled at this amendment...one of the prior speakers said, he doesn't like the amendment because all seven commissioners ought to be...able to order staff, there should be no studies unless all seven commissioners vote on it. I think that's weak. On the studies of the...estimating bills in the practice, I think a fair reading of 1021 without this amendment shows that it is tantamount to a fishing expedition. This narrows it down to specifics which I think is important. And finally, in terms of the Department of Energy and Natural Resources, they are a...very much a part of the process right now without statutory authority and they would remain very much a part of the process. And finally, the virtue...the other virtues of this amendment especially in the area of long-term planning and the mandating of the utilities to file annual reports on their construction are truly things that I think merit the support of both sides of this aisle. I would seek your affirmative vote.

PRESIDENT:

The question is the adoption of Amendment No. 4 to Senate Bill 1021. Those in favor of the amendment indicate by saying Aye. All opposed. In the opinion of the Chair the Nos have it. Amendment No. 4 fails. Roll call has been

requested. All right. The question is the adoption of Amendment No. 4 to Senate Bill 1021. Those in favor of the amendment will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31...28 Ayes, 31 Nos, none voting Present. The amendment fails. Further amendment,...Secretary?

SECRETARY:

Amendment No. 5, by Senator Friedland.

PRESIDENT:

Senator Friedland wishes that amendment withdrawn. My understanding from the minority there's...that the balance of the amendments will be withdrawn. Withdraw the balance of the amendments. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. All right. With leave of the Body, we'll move to page 5 on the Calendar. We are approaching the hour of three o'clock. It is the intent of the Chair to work until approximately six o'clock. We will begin on 3rd reading, I would ask the members to be in their places and have their files ready. We will be starting where we left off on the bottom of page 5 with Senate Bill 1-1-9, 119, and we will go through as far as we can. On the Order of Senate Bills 3rd Reading is Senate Bill 119. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 119.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SB 120
3rd Reading

SENATOR LEMKE:

What this bills does is amends the Adult Education Act to direct the State Superintendent of Education to supervise and to establish standards of Americanization programs in public community college districts and school districts. This is already provided in the Statute. What we're doing is breaking it out and setting up a special section under Article XIV Day and Americanization program. It something the people in my area want. They want it similar to what is done for bilingual education. I think it's a good bill. I ask for its adoption.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 119 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 36 Ayes, 15 Nos, none voting Present. Senate Bill 119 having received the required constitutional majority is declared passed. 120, Senator Lenke. On the Order of Senate Bills 3rd Reading, Senate Bill 120. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 120.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDENT:

Senator Lenke.

SENATOR LEMKE:

This bill simply makes the birthday of Casimir Pulaski a...a holiday in the State of Illinois to be declared by the Governor similar to the other ethnic holidays. I ask for its adoption.

PRESIDENT:

Is there any discussion? Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, you're seeking to make this a State holiday and in doing so you honor a...a Polish...an important person to the Polish community; however, I think you also do some things that we may or may not want to do and one of which I think is that...would this not require that all schools in Illinois be closed on that day?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

This bill does not...it's only if the Governor declares it. It's similar to the...what we do for the other holidays, whether it be Lincoln's Birthday, Columbus Day, Martin Luther King Day. The Governor has to declare it. He can declare what kind of holiday it is.

PRESIDENT:

...Senator Schuneman.

SENATOR SCHUNEMAN:

Well, to the members of the Senate, I think that if we have a Statute which designates this day as a legal holiday in Illinois that Governors will in fact make whatever declaration is necessary to comply with Statute and that it would be a holiday in our schools. It would be a holiday, no doubt, for State employees, and so I think that we should ask ourselves very carefully whether or not this is really what we want to do.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

A long time ago, I was in the Army and I was stationed in Germany, and every time I turned around, I was stationed in Munich, it was a...a holiday of some sort and all of the related offices and businesses and schools were closed, and it finally reached the point in that particular country where they had to...at great pain and suffering, sit down and revise a...a new holiday schedule because they had so many days off that their productivity and their educational systems had been disrupted. I did not happen to vote for a...a holiday for Martin Luther King and it was no disrespect to Martin Luther King, and I'm not going to vote for this holiday and it's no disrespect for a great individual of a Polish extraction. I just happen to feel that we have enough holidays and that our country would be better served with commemorating and remembering these great Americans in other ways. I just think there are enough and that...just a personal opinion, and I'm going to vote...I would vote against a Jack Schaffer State holiday if it was unlikely to be proposed I admit, but I...I think I'll not have to worry about that occurrence, but, frankly, I cannot think of any American living and dead, including many I have total reverence for, that I would add to the Calendar of holidays. So I hope no one will take umbrage at my No vote.

PRESIDENT:

Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The historian Ruhlieri said that there was never a warrior who possessed greater dexterity in every kind of service than...the...Mr. Pulaski...Count Pulaski. Benjamin Franklin in introducing him to Washington writes that Count Pulaski, who was a General in Poland and who was to join you, is esteemed one of the greatest officers in Europe. Perhaps

no better insight into the sturdy character of this illustrious Pulaski known and revered both in Europe and America, can be given than to hear a man of his lofty type in August of...1779, state to the Continental Congress, "I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America and am desirous of passing the rest of my life in a country truly free and of setting as a citizen to fight for liberty." General Pulaski landed in America about the middle of July 1777, and after presenting his letters to Washington in Congress, waited for Congress to take action. But restless and eager to aid our cause as he was, he did not wait for official cognizance. The inherent ardor of his warlike spirit, his habits of activity and the desire of efficiency serving the cause in which he had so warmly embraced did not permit him to wait for the decision of Congress on his application, so he immediately joined the Army. General Pulaski and his friend the Marquis de...Lafayette, another...distinguished officer, struck their first blows for American independence at the Battle of Brandywine in September of 1777. Four days after this event, he was appointed by Congress to the command of the Cavalry with the rank of Brigadier General. The eleventh day of October 1779 at the age of thirty-one he was buried in Savannah, Georgia. Pulaski died as he had lived, a noble and undaunted warrior fighting the battles of liberty and of the Republic. He sacrificed himself, all of his years of his young life, his fortune, his ancestral dignity, his lofty spirit, his splendid genius and all his earthly hopes for liberty, justice and humanity. For these things, he gave all he had, his martyred life. I ask you to give what you have, your vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill passed the Senate last year and it passed because it was something that was long overdue. America is a great mosaic, what makes it great is its people...whatever ethnic group that you may represent or whatever race we are, the most important thing is that we're Americans and that we realize that there are people of American extraction...Americans of different ethnic backgrounds and different races. This is the beauty of America and every person as an American also has to look and remember their respective ethnic and racial backgrounds as well. Every ethnic group, every racial group has a person or persons that they seem have contributed to an extra degree in making this country great. The person that is before us for...to be considered as a State holiday, Casimir Pulaski, fills that need for the Polish-Americans. It's really ironic that we have to seek the support of the Senate from the standpoint that the million or so Pol-Americans in this State that have worked and have contributed on a very productive basis have yet to be recognized by having a State holiday. And I know and you know who write the history books of this great country, and we know exactly which ethnic groups have been underrepresented in the history books of this country, and, hopefully, as I supported Martin Luther King Day, because I thought he was a great American and he represented his people in an extraordinary manner, I would hope that you would support Casimir Pulaski, because this man not only created the Cavalry for the United States, fought it at...battles, gave his life for this country, but I think he also is a symbol of excellence for all Americans to revere, and for that reason, this bill deserves your Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke may close.

SENATOR LEMKE:

I think this bill just symbolizes what the Polish people have wanted in America for some time, and I ask for a favorable vote for those millions of Polish people that have contributed their lives in the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 120 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 41, the Nays are 11, 4 voting Present. Senate Bill 120 having received the required constitutional majority is declared passed. 126, Senator Collins. On the Order of Senate Bills 3rd Reading is Senate Bill 126, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 126.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 126 creates the Illinois Home Repair Registration Act. The bill as amended now only pertains to the County of Cook. It allow for other counties to opt in if they see the need to do so. It establishes a threshold for registration for a person who does cumulative business...with the aggregate amount of five thousand dollars a year. The bill requires that each home repairer as defined by this Act shall register with the county clerk as they do now on a annually basis and pay a fee of twenty-five dollars to...to register. The bill provides for very strict application procedures in order to minimize the possibility of unscrupulous home repairers who often defraud many of our senior citizens and

prey upon the poor people, taking their monies without rendering the services. The regulations established in the bill has the intent for providing a mechanism for better enforcement of the law,...and in order to get, first of all, to get indictments and it also for better monitoring and enforcement of the Repair Act. I would be happy to answer any questions; if not, I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, really I...I didn't have my light on but since you called me. This bill I understand now only pertains to the County of Cook and does, in fact, offer the same wonderful opportunity for other counties to opt in at their request. I still have some problems with the idea that it...you have to go down to the county clerk's office and register and pay a fee of twenty-five dollars to...to work on your...to work on your house, and it just seems to me if Cook County wants it, why, you know, it's all right with me.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 126 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 21, the Nays are 28, 3 voting Present. Senate Bill 126 having failed to receive a majority vote is declared lost. Senator Collins moves to put Senate Bill 126 on consideration postponed. Is leave granted? Leave is granted. Senate Bill 128, Senator Collins. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 128.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 128 simply adds to the State Employees' Group Health Insurance Plan hospital coverage for major periodontal surgery in those cases where it is recommended necessary by the dentist, and I would move for a favorable roll call of Senate Bill 126.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the...Senate. I rise in support of this bill and this bill is also supported by AFSCME. It's estimated this bill will affect a hundred and fifty-five thousand State employees and retirees. It includes hospitalization and the definition is required to be provided by groups of health insurance. I want to commend Senator Collins for having the fortitude to get this kind of bill on the record, and I'd ask your most favorable support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR KEATS:

Isn't the health provisions under...all the health care provisions covered by the Collective Bargaining Act and aren't these regularly discussed under the collective bargaining bill that I think I remember you being a sponsor of?

I mean, isn't this part of that package?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

It...it could be but it's not included.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

In other words, AFSCME asked for it under the negotiations, didn't get it and decided since someone felt that this perhaps is not a fringe benefit that the State could afford and that the taxpayers didn't want that...we're just, the Legislature, going to override the whole deal and say, even though we passed the collective bargaining bill, we're still going to run everything the way we feel like running it. Is that a correct assessment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

This will simply make it mandatory that it...it be a collective bargaining item.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, with all due respect, Mr. President, I don't think it does anything like that. This requires that this coverage be a part of the group insurance plan. So what we're doing here is designing the group insurance plan. Now do we really want to do that? Do we really want to have...everybody who comes to us that doesn't somehow or another have coverage for something under the group insurance plan, do we really want to negotiate that here on the Floor of the...of the General Assembly? I think this is a...is the wrong way to go. We have people who deal with these issues all the time. We...we

have people who design the State Employees' Group Insurance Plan in such a way that it gives the greatest amount of benefits to the greatest number of people within the framework of what the State can afford, and now we're getting...first of all, we make collective bargaining, we give them a role to play in designing the State plan. Now we're going to get in the act here and mandate certain things be in that plan. I suggest that's the wrong way to go about it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

END OF REEL

REEL #4

SENATOR COLLINS:

Yes, Senator Schuneman, we already have stated in...in the law certain things that should be covered under our group insurance plan. So this is no different from what already exists, and it's just simply adding...this as an addition to those things that is already required to be covered under our group insurance plan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 128 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 34, the Nays are 22, 8 voting Present. Senate Bill 128 having received the constitutional majority is declared passed. Senate Bill 130, Senator Collins. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 130.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 130 is an attempt to tie some of the loopholes that were left open in reference to...strip search of students' persons and lockers as a result of the Supreme Court's decision in the New Jersey versus the Tlo case. What the bill does it...first of all, it clearly...stipulates that strip search of students should not be a part or covered under the...existing Criminal Code which deals with the strip

search law that we passed in the General Assembly several years ago. It also established some clear-cut...guidelines under which teachers and...and school personnel can, in fact, conduct searches of a students locker or a student's person themselves. It also provides for...input from the parent and...and the local school personnel in establishing rules and regulations governing...this Act...provision of this Act. I would happy to answer any questions; if not, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I...I hate to say it but I'm afraid that this bill is moving in precisely the wrong direction. As I understand it, what the legislation would do, particularly through the adoption of Amendment No. 1, is for one thing to override the decision of the United States Supreme Court which upholds searches of students in certain select circumstances where the public interest justifies it and where contraband would otherwise escape detection and possible seizure. This legislation, as I understand it, would establish that only selective school personnel would be authorized to conduct searches, so that when there is a hypothetical situation where a teacher sees, for example, a student opening a locker and...and sees, for example, certain drugs or some sort of firearm in that locker, that teacher rather than being able to seize that particular material or in the case of a firearm, a gun, would have to then go contact the person within the school who had been duly authorized and solely authorized to seize...material or to conduct searches of that kind. We are going to be coming up shortly on the Calendar with a whole series of bills sponsored by Senator Marovitz and a number of other Senators that move in precisely the opposite direction of this bill, in that they

seek really to crack down on crimes and criminal property on school grounds. This bill, as I see it, is in direct contravention of the effort and the direction that's being taken by this whole series of other bills. I think it would undermine the efforts of school personnel to deal severely and justifiably with serious criminal conduct. And...and for that reason, I feel we all ought to vote No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR COLLINS:

Yes, thank you, Mr. President...and members of the Senate. I think Senator...Barkhausen's comments is probably the...one of the...best reasons or best arguments that...that one can give for voting for this legislation. First of all, it is not true that this bill is a contradiction to the Supreme Court rule; as a matter of fact, it does follow that rule. It does say specifically that they had...had to be reasons to suspect that...that a student, in fact, had something...were...were trying to conceal something that were unlawful...for them to have in the school. It...it most certainly...we most certainly would not want anyone...we would not want a male searching a female student...most certainly not. There...there should be someone, as indicated in this bill, established by their school district...superintendent to determine who, in fact, would be responsible for strip searching of those students in those cases that warrant that a strip search would take place. I think the Supreme Court's decision allowed for that discretion for local school districts to do just that. This bill does that and it's sets forth clear-cut guidelines so that we will protect at the same time the...the student's rights but at the...same time not allow them to violate other laws by having unlawful things in the school system including drugs and other types

of weapons. So I think this is a very good bill, it is most certainly a step in the right direction. It is not contrary to what Senator Marovitz is doing and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 130 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 30, the Nays are 22, 1 voting Present. Senate Bill 130 having received the constitutional majority is declared passed. For what purpose does Senator Barkhausen arise?

SENATOR BARKHAUSEN:

To request a verification...of the affirmative vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen has requested a verification of the affirmative vote. Would all the Senators please be in their seats and will the Secretary please call the affirmative roll.

SECRETARY:

The following voted in the affirmative: Carroll, Chew, Coffey, Collins, D'Arco, Darrow, Degnan,...Demuzio, Hall, Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Lenke, Luft, Marovitz, Nedza, Netsch, Newhouse, O'Daniel, Poshard, Rupp, Sangmeister, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there a question of any of the affirmative votes?

SENATOR BARKHAUSEN:

Senator Jones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones in his seat? He's standing in back.

SENATOR BARKHAUSEN:

Senator Chew.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew...is standing on a Podium.

SENATOR BARKHAUSEN:

Senator Coffey.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey in his seat? Senator Coffey. Senator Coffey. Strike his name from the record.

SENATOR BARKHAUSEN:

Senator Dawson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson is not recorded.

SENATOR BARKHAUSEN:

That's it, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Mr. Secretary. On that...on a verified roll call, there are 29 Ayes, 22 Nays, 1 voting Present. Senator Collins seeks leave of the Body to put Senate Bill 130 on the Order of Postponed Consideration. Is leave granted? Leave is granted. Senate Bill 131, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 131.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. What 131 says, in essence, is that in the foreclosure situation where the title is subsequently transferred through a mandated share of sale that tax stamps would not be necessary. I'll try and answer any questions you might have, otherwise, seek an affirmative roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WELCH:

Does this include releases of...of memorandums of judgment...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

No. As I understand it, it is in the foreclosure situation only, not a release of a memorandum of judgment. Let me double-check my file. I don't think so though, I think it is...nope, it's only to...in satisfaction of a debt or other...conveyed but only to the extent of satisfaction of such other debt or obligation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Do you know what the cost would be to the local counties?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

No, I do not. The fiscal note says that it will be...at most forty thousand Statewide and somewhere between thirty and forty, so it's well under the mandate's trigger.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 131 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 2, none voting

Present. Senate Bill 131 having received the constitutional majority is declared passed. Senate Bill 138, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 138.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 138 provides for the...Primary Election in the General Election year to be held in the month of September, specifically the Tuesday next after Labor Day. It also provides for a Presidential Primary for the election of delegates to a National Convention and whatever beauty contest may continue to exist in the law to be held once every four years in May, so that there is no holding up of Illinois' participation in the National Conventions of its two major respective parties. There are currently some eighteen states which have a primary in the month of September, so that it obviously is not impossible to do it from a mechanical point of view. I think a few of the time constraints that may be of concern to others, for example, the military absentee voting, are a problem right now under current law and would not be any worse with a September primary; it is, however, something that has to be addressed separately. The main argument it seems to me for a September primary is that first it shortens the time period of formal campaigning between the Primary and the General Election. As I think I indicated the other day when we were debating another primary bill, I think the greatest fear that all of us as elected officials ought to have is that we are boring our constituents to death with year-round, nonstop campaigning. This at least shortens the formal period of that cam-

painging. In time, I think it would also reduce the amount of money that is spent on elections. Obviously, there is nothing to prohibit someone from campaigning earlier than the allotted dates for primary and general, but I think the whole time period is very likely to...to be constricted if we got used to having a September primary. It seems to me that...that one of the things we really must address is the cynicism, the turnoff that so many of the voters have with the electoral process. I genuinely believe that having the primary in September rather than March or indeed even May will contribute some, not totally, but will contribute some to a greater respect for that period of campaigning which really is important and that is the formal part of the campaigning. I would be happy to answer what questions I can; if not, I would strongly commend for your consideration Senate Bill 138 which does provide for a September primary.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senators, we have the following Senators in this order; Kelly, Macdonald, Topinka, Marovitz, Schaffer, Geo-Karis and Holmberg. Senator Kelly.

SENATOR KELLY:

Thank...thank you, Mr. President and members of the Senate. I reluctantly rise to oppose Senator's legislation. One of my main concerns is that if we do go to a September primary that this in fact would require summer campaigning. And if you think you're getting complaints from your precinct workers and volunteers now because of going out in the inclement weather, wait till you...wait till you ask them to go out during the picnic season and when they want to be with their family and forget about politics and just enjoy life. To my knowledge, there has not been any...any information brought to the attention of the election authorities in the State of Illinois assisting them in placing such a program into effect. To my knowledge, they're opposed to it, they

feel it is not reasonable. I know that Senator Netsch had pointed out that some eighteen states have already adopted this. I think we'd like to see that before and I think maybe this is, at this point, premature legislation and I will oppose the Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Of course, I am for shortened primary period, but I think that the September primary really creates a number of problems that cannot be overcome. The...I think the main objection is that in presidential primaries that the polls would be open from just 2:00 to 8:00 p.m., and I don't think that that's enough time to get out the kind of a vote that we would want to get out in that kind...in...in that particular election. A September primary leaves only twenty-five days in which a voter can vote absentee and it creates a very shortened time for the county clerks and boards of elections...commissioners to prepare the ballots. It just...in general, for many of the reasons that Senator Kelly also enumerated, I would reluctantly have to say while I definitely am for shortening the primary, and we had a bill...Senator Philip had a bill which I strongly supported but I...I just think that this is truly too short a time and I would have to...oppose this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I have no reluctance in supporting this bill whatsoever, because I think it makes the most sense of any bill I've seen yet as far as shortening the...the campaign season. I'm sick of campaigning, I can only assume that the public is far sicker not only of my campaigning but everybody else's

campaigning. If apathy be a problem, why feed it further? The...the time lag between March and November is incredible, it's expensive, I hate having to go back to my contributors all the time and bleeding them dry to keep this thing going. How many points can you keep driving home? If the public hasn't figured it out by the...in the time period between September and November, I can't believe that we're going to enlighten them further. I think the bill is well researched. As...as far as summer campaigning, it's one of the best times in the world to campaign, try a picnic someday. It's also a heck of a lot easier for our elderly population to be able to get to the polls in September when they're not slipping and sliding and breaking their hips on the ice, and I'd like to see them come out and vote a bit more. So, I think it's a wonderful bill and I would encourage its support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I reluctantly rise to oppose this legislation. We just recently passed a May primary bill sponsored by Senator Philip. So we are...we have, indeed, taken a...affirmative stance on shortening the primary season. And you know, one of the things that we hear every November, every March, is the tremendous apathy among the voters. Well, if you think that you've had apathy in March, you've seen nothing until September, because the last thing that people want during vacation times and when they're out picnicing and when they're out having a good time and when they're on vacations is to hear all of us come in with our political speeches. It may be a great time for all of us to campaign but it's the absolute worst time to really get people's ears and to focus in on the issues, and after all, that's what campaigning is supposed to be about, focusing in on the issues. People in

ninety degree heat during vacation time and party time in July and August don't want to be hearing about a lot of issues, they want to be having a good time. And I think that's the worst time to be campaigning, it's the height of apathy, and I think it's the worst time to focus in on what the candidates are all about...that's what electioneering is supposed to be all about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Schaffer.

SENATOR SCHAPFER:

This primary would be the first Tuesday in September. Is that not the day after Labor Day?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAPFER:

I can only tell you that that is probably the one weekend of the year that I have the largest number of people absent; I mean, that is just the end of the season...and I...I...I just can't believe a worse day could be found. I...I would like to see the election process shortened, I think moving to May makes sense. Maybe we could move it even closer till we get to the end of the school year. But my clerks have uniformly, and I might add of both political parties in the five counties that I happen to serve, told me that this...this type of timetable is...well, nothing is impossible I suppose if you put enough money in it. It would cost a small fortune. They would probably be forced to at least partially duplicate a lot of their systems to enable to enact a meaningful timetable, and that's assuming they don't get into legalities which we seem to get into very regularly and we

start fighting over the...whether the...Socialist Labor Party had enough signatures to get on the ballot and all those other things. I think it could create an awful lot of problems. I...I would suggest to you though that there is one source of savings for this bill that perhaps the sponsor has not thought about and I speak specifically about pension outlays for members of the General Assembly. Because we would, of course, be filing for office in mid or late June. And if memory serves, mental attitudes of members in late May or June, most of us probably wouldn't file again; therefore, you'd have a seventy-five percent turnover in the General Assembly each election, which of course would mean that no one would ever qualify for a pension which would save a great deal of...money. On top of that, generally that's when we generate the most controversy, we get serenaded, one of our members had a very vocal group serenading him today, and all of those times...I'm sure this would...of the seventy-five percent would quit and of the twenty-five percent that decided to file again, one hundred percent of them would have firm competition both in primary and fall if that was the filing date and that may be a plus...that may be a plus but we ought to think about it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. If you recall, in...in the last Session I had a bill which was also a September primary, a little later in the month, and it passed out of this Senate very handily, I think almost everyone was in support of the bill at that time, and I think we should also consider voting for Senator Netsch's bill this particular time. One of the things that I think we owe to the public is if we're elected for a two-year term or a four-year term that we are down here tending to the business of the Senate. And although I voted

for the May primary date, I'm anxious to shorten the season. My guess is the absentee rate would...would go sky-high if that were primary time. Maybe, Senator Schaffer, that again would be a plus because we wouldn't vote out some of the legislation that the public doesn't want us to. But on the other hand, I think we ought to earn any salary increases we've got and we ought to be here for our two-or our four-year period. I think we'd save the public a lot of money; as Senator Netsch has said, television time would be...more interesting to watch and a short both Primary and General Election season in the fall, I think, would be a real asset to the State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Some years ago we...we had a June primary, if you recall, and then after one election because of the voter...the voter apathy, we reverted back to the March primary. It's...the intent, as Senator Marovitz pointed out rightfully so, is the...the intent is not to make it easier for ourself, it's...but to get the public involved in the elective process. And another point is, I don't know what this does to our consolidated election laws, Dawn. So, I have to really oppose the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yeah, thank you, Mr. President. I...I rise in support of Senate Bill 138 with the agreement from the sponsor that she would consider changing the date to the second Tuesday. I agree with my colleagues in...in that many of the people will not...have not returned from vacation the second...the day after Labor Day and so that, most certainly, would be a

very...a bad time for...to...to have the election. But I...I...I do agree with Senator...that said...Topinka that said that we just don't need all of that time to keep boring the people. To be honest out there, a lot of the people are talking about...getting the attention of our constituents, most people don't pay politicians any attention anyway...taking on the issues, to be honest. Most of the people minds are made up about who they are going to vote for by listening to the media. The media will probably have more impact on who get elected than...than anyone else. So people are...are becoming informed and aware and they know that most of what politicians say is...is to get elected and, for that reason, they're not paying too much attention. So if we're going to any good at all come out of trying to change today, it would be to allow for those persons like senior citizens and the disabled people to...to...to come out during the time when the weather is not so bad without having to...to fear slipping down on the ice. The...the other advantage is that because there are so many people during the summer months who...who congregate in the parks and various other places that you would most certainly have a captive audience if you go out there and you won't have to organize so hard to get people to come out to public meetings. And...and I can assure you, if you really have something to say, people in the park will stop and listen. And so, for that reason, I would ask for a favorable vote on 139.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have two more speakers. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, not to belabor the point but people are tired of all of our...rhetoric, and I don't know about your constituency but my constituency does check into what I do; and I think if we can make it a September primary, I think it'll be...you might

encourage more people to come out and vote 'cause we certainly don't have enough people who do come and vote anyhow. I'm for the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in support of Senate Bill 138. And while I admit there is some difficulty with the Tuesday immediately following Labor Day, I think that can be easily changed. We have passed a September primary in my tenure here probably five times. Because...we passed it, I might say, because it makes some sense. It will afford us the opportunity to file, those of us who are currently serving, the opportunity to file late in the year, begin whatever campaigning we wish to do during the summer months, and the fact is that the shorter the distance between the primary and the general, I think the better served are not only the candidates but certainly the general public. It will lessen the amount of time, it will lessen the amount of money, and hopefully in a compressed period much like the State of New York, they seem to get an awful lot done in two months and I think we can too. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Time is a great healer and I don't know about the primaries in other states but in the State of Illinois our primaries are rather heated depending upon what offices are up. And, unfortunately, from a political standpoint, sometime you need that time in order to bring people back together to work as a party and, for that reason, I'm opposed to the September primary. We had a very heated primary for the U. S. Senate seat in the Democratic

Party in the last primary, and we finally won that office because time was a great healer and people that were on different...supporting different candidates came back and worked for the organization candidate and he also had a very good media campaign and was a good candidate, period. So the people of Illinois worked together and elected a new...U. S. Senator. But I don't think that could have been possible after a heated primary if the primary was in September. We couldn't put the pieces back together again by the November election. And you want to look at things from a practical standpoint, sometime you need that time in order to get the things done. And for that reason, I'm going to be voting No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch may close.

SENATOR NETSCH:

One of the beauties of this bill is that it certainly does have strange bedfellows. We've got Republicans and Democrats and, you know, all over the State which must say something good about it. Let me just briefly address twopoints. One is that I have been in communication with the County Clerks's Association and I have even had one meeting with them. I have indicated to them that any suggestions they have that relate to the mechanics of the bill, the time periods, perhaps moving the Tuesday until the next week...or whatever, I am perfectly willing to do. They simply have not gotten back to me with specifics yet. I think all of us understand that if the bill passes here today that we will have time to address those things and I have so indicated to their representative in Springfield. So I think that is not really a matter of enormous concern. I don't think that it has any impact, Senator Nedza, on the consolidated election schedule. I did not touch the local part of the election cycle, that is in a different matter. This deals only with the General Election year. Finally,...well, I think everyone

has answered the summer campaigning well. It seems to me that our real responsibility is not just to ourselves as candidates, although that is not inconsequential but to our constituents, and it seems to me that...and those that want to participate in political campaigns, and it seems to me that it's a lot more sensible to do it in the months of July and August in the State of Illinois than it is the months of January and February when you can barely get out the front door. I genuinely believe that this is a...something that our constituents would welcome with open arms and I think so would we when we got used to it. I urge your support of Senate Bill 138.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 138 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 36, the Nays are 13, none voting Present. Senate Bill 138 having received the constitutional majority is declared passed. Senate bill 140, Senator Luft. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 140.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. First I'd like to say that this only pertains to downstate police officers and only to those police officers who have served in a municipality and are elected to a sheriff's position. This allows for the transfer of credit from the downstate police office into the IMRF provisions where the sheriffs are under. The bill is

supported by the Illinois Sheriffs' Association and IMRF.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 140 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 1, 1 voting Present. Senate Bill 140 having received the constitutional majority is declared passed. Senate Bill 158, Senator Schaffer. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 158.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, members of the Senate, Senate Bill 158 would allow for the creation of county historical districts either in individual downstate counties, by the way, Cook County is not affected, or by combinations of not more than five contiguous counties. There are throughout the State a number of small, mostly small, I guess there are a couple of them that are fairly good size, county history museums supported primarily through private funds and also through funds garnered by and large through local township and county governments through Federal revenue sharing. The historical associations recognize, as I think most of us do, that Federal revenue sharing to counties and townships is very likely to go by the boards. They would like permission by front-door referendum to create county historical districts with a maximum taxing rate of .004. Now .004 brings in a very small amount of money but most of these bodies are privately supported, most of what they receive is contributed,

so they're basically maintaining the buildings. These are boards appointed by the county so they are still very much products of the county government and controlled by the county government. Frankly, the county boards can levy that amount right now, most county...in fact, no county board that I know of has the historical organizations just say let us...have a chance to take our case to the people through a front-door referendum. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 158 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...have all voted who wish? Senator Savickas. Have all voted who wish? Take the record. On that question, the Ayes are 54...the Ayes are 55, the Nays are none, 3 voting Present. Senate Bill 158 having received the...required constitutional majority is declared passed.

169. On the Order of Senate Bills 3rd Reading is Senate Bill 169, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 169.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas. Senator Savickas, it's your bill.

169. Take it out of the record. Take it out of the record.

171, Senator Netsch. Senator Netsch on the Floor? 179, Senator Karpel. Bottom of page 6 is Senate Bill 179, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 179.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel.

SENATOR KARPIEL:

Senate Bill 179 as amended by Amendments 1 and 2 provides for the videotaping of testimony in child abuse cases and the ability to...for the...to use that tape in court. Now the United States Supreme Court has two criteria that they use in determining whether out of...out-of-court testimony may be admitted in court. First the introduction of...out-of-court statement must be a necessity and generally they...they determine a necessity as showing that the witness is unavailable to testify because of death, absence, illness or trauma. Senate Bill 179 meets that criteria by saying that the only children...and by the way, this is for children twelve years old and under, that the children that a court ordered psychologist or psychiatrist determines are...too traumatized to testify, so it meets that criteria. And the second one, it says that...the testimony must bear some...of reliability and by that they mean it must have a court-like situation. They must have, you know, the judge, the prosecutor, the prosecuting attorneys, the defendant, the...defense attorneys and there's a cross-examination allowed, the confrontation between the...the witness, and the defendant is present. So it meets that criteria of the United States Supreme Court in...in allowing out-of-court testimony. After they have this tape made, the tape is then...can be used in court and after it is used in court and goes through not only the court proceeding but the appellate proceedings, it is sealed. And that's basically what the bill does and I'd...appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Berman.

SENATOR BERMAN:

If you have a duplication...if you have a duplication of the courtroom environment, including the defense attorney, the...the defendant, cross-examination, what are we accomplishing by the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpriel.

SENATOR KARPIEL:

What we're accomplishing, Senator, is...is several things with this tape. As far as the courtroom procedure, what we're accomplishing is that this child is so traumatized and intimidated that it's bad enough that they...that the child has to testify with the defendant there and the defense attorneys but to meet constitutional...you know, requirements that's necessary. But at least you don't have a courtroom full of people and press and all kinds of circus atmosphere going on so these...children do not have to testify of these very intimate and painful details in front of all those strange people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpriel, do you wish to close? Senator Karpriel.

SENATOR KARPIEL:

Yes, thank you. I just...I just ask for your support on this very important bill. Several...states have passed this type of legislation. I believe this is a very tightly drawn bill. I think it will provide assistance for these children, not only...as far as avoiding the...courtroom testimony but as far as not having to give their story over and over again, as many times as maybe sixteen to twenty times, to different agencies as different people. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 179 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 2 voting Present. Senate Bill 179 having received the required constitutional majority is declared passed. Top of page 7, 187, Senator Lemke. Top of page 7, Senate Bill 187, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 187.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this does is amends the Public Utility Act exempting...actually we changed the exempt into a refund to give refunds to school districts and...public and nonpublic for the utility tax. I think it's a good bill, I ask for its...passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the bill and I would ask that everyone take a very close look at this bill before we...before voting for it. What it does is to...as...as the sponsor has already indicated, it does provide a...a refund...on the utility taxes to public school districts, nonpublic school districts and community colleges. This is something that we've not done in the past. It...it decreases the size of the...of the tax base, and what we're doing by...by taking this step is leading ourselves inevitably to

the next step which probably could very well be next year have legislation introduced that would exempt sanitary districts and so forth and so forth. I would strongly urge us all not to take this first step and to vote No on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise in support of this bill. I think it is a very important bill for all school districts in the State. Seldom do we have a chance as members of the Senate to vote for something that will enable us to each bring something home for our school districts. We usually have to rely on the formula, some of the school districts get much less. In this case, every single one of your school districts and your community colleges will be able to get a refund on their State utility taxes. Their very favorite projects, some very special things that they've been trying to do will...be able to happen within the enactment date of this particular piece of legislation. I think it's very important. It is one way that we can assure our school districts that we are beginning to think of them, bring them the monies they need as we begin to talk about improvement and the things we want included in those improvement packages. A small beginning but a very important one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Newhouse.

SENATOR NEWHOUSE:

I read this as community college districts...school districts or nonpublic schools, so this means that tax dollars would then go into nonpublic schools, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

The tax dollars would go...no. What this does is just exempts...the private schools from private...elementary and secondary schools from...from the utility tax would mean about a nine hundred thousand dollars. The bulk of this money goes...most of this bill...I'll give you the fiscal note. Out of this 4.9 million go to public and elementary secondary schools, nine hundred thousand to private elementary and secondary school and 1.4 million to community colleges. What it does is...doesn't give tax money, just...they don't pay tax money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, a question of the sponsor, Mr. President. Our...our analysis of Senate Amendment No. 1 indicates that in fact...the bill does now provide for a refund of taxes as opposed to what you just said.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

It's true, we originally had it an exemption, we worked out the basis as a refund; in other words,...this is asked...requested by the utilities and company...companies because they are charged with the tax and then they have to make the refund. So what we're doing here is the...the utility bill is paid, then the school district applies for a refund from the State. It eliminates the in between man and the extra expense that occurs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

So then for those people who are interested in this question of tax money being paid back to...private schools, the answer then is that...that tax money would in fact be paid back to them but it would be in the form of refund of their utility tax?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

No, this isn't tax...this is taxes that they've paid to the State and they get it back as a refund. This is not tax money, this is their own money but this is the...the simplest way to do it with the...Department of Revenue and also with the utilities is to have them pay their bill and then apply for a refund of the tax that they pay on their bill. So this is not...this...let's not confuse things. This is only a refund of money they're paying...on a bill to get it back. We could do it as an exemption but it would be more complicated for the utility companies and for the Department of Revenue. This makes it simple. You just apply and you get your money back. We do this on some occasions on other matters.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

...thanks for the explanation, Senator. But what your explanation said to me is that tax dollars will be coming back into private schools, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Well, tax dollars that are being paid by the private schools to the State, yeah. In other words, the nine hundred thousand dollars, but also 4.2 million will be going into public...utilities. This nine hundred thousand, as you know,

we give money to certain nonpublic schools and so forth...which in...in other programs. So all we're really doing here is...is...is getting rid of a...unnecessary thing of schools paying taxes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you...thank you, Mr. Chairman, and thank you for the explanation. But my concern is that we about to put the camel's nose under the blanket again. And once we get started in this direction, I'm afraid about where we're going to start. I would oppose this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones. Further discussion? Senator Lemke my close.

SENATOR LEMKE:

I think it's a...a good bill and I think if it helps education, gets rid of the unnecessary burden of...of schools paying taxes and then getting money from the State and paying it back. I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 187 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? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 28, 1 voting Present. Senate Bill 187 having failed to receive the required constitutional majority is declared lost. Sponsor requests postponed consideration. Postpone consideration. 191, Senator Netsch. Senator Netsch on the Floor? 192, Senator Sangmeister. On the Order of Senate Bills 3rd Reading is Senate Bill 192. Mr. Secretary, read the bill,

please.

SECRETARY:

Senate Bill 192.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Your Calendar reflects the accuracy of this bill. This is a tax equivalent grants to where our State institutions in a school district that occupy more than one-half of the school district's territory. Not surprising that we have that problem in Will County where Stateville Penitentiary being one of those institutions occupies more than half of the area of the Chaney-Monge School District. The School Aid Formula in no way gives them the amount of funds back or compensates for that loss. And this tax-equivalent grant merely means that they would receive what they would have received had real estate taxes been assessed in that area. Happy to answer any questions if there are any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I...as...as I understand the proposal, and I am somewhat in sympathy with what the Senator is trying to accomplish here, but as I understand this proposal, in...in effect what we're doing is reestablishing a program which was repealed effective July 1, 1981; and the reason the...the program was repealed was because it was felt to be duplicative because the...the present formula for distributing aid does guarantee a certain amount of assessed evaluation behind...behind each student. So that in an instance such as this one where there

is a Department of Corrections facility it's true that there's a great bit of the area of the school district which is not on the tax rolls because it's a State-owned property; however, the State Aid Formula does...already compensate for that...for that fact. I would suggest that there perhaps might be other and...and better ways of...of resolving this situation than what is being proposed here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Is this retroactive?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, this is not retroactive. This would...yeah, this is not retroactive.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

You mentioned Will County and of course your prisons are currently there. So if it's not retroactive how is it going to help your particular area? Have you got a new prison coming in?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

We're talking for the future...years, we're not...we're not trying to go back and pick up money that we've lost, we're talking about...there will be a tax equivalent grant

for future years not for the past. I...that's what your talking about being retroactive.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, thank you. Partly what Senator Etheredge says is true; of course, when he says there ought to be a better way to do it, nobody has come up with a better way to tell me. I have a school district that is...is literally going bankrupt and the School Aid Formula in no way makes up for what they've lost by having the Stateville Penitentiary being in there, and I would ask you to give me some favorable consideration in that regard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 192 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 34, the Nays are 25, none voting Present. Senate Bill 192 having received the required constitutional majority is declared passed. 193, Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 193, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 193.

(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. Senate Bill 193 merely requests of the Department of Children and Family Services to make known regulations requiring all adoption agencies to forward to the department names and

addresses of all persons who have applied for and have been approved for adoption of a hard-to-place or a handicapped child and the names of such children who have not been placed for adoption. Addresses shall be maintained by the department and coded lists which maintains the confidentiality of persons seeking to adopt a child and of the child shall be made available without any charge to every adoption agent in the State to assist the agencies in placing these children. Now the department has about eight offices...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon...pardon me, Senator Smith. Could we have some order, please. Senator Smith.

SENATOR SMITH:

...thank you, sir. The department has in our State about eight offices to handle adoptions of...for children who are handicapped or hard to place. But we want the Department of Children and Family Services to do this in-house instead of contracting this area of their work out. Because these are handicapped children, these are children who are hard to place and sometimes we tend to leave them to the last, and I think that they should be given an opportunity to have a normal life if it's made possible as well as the other children who are easy to adopt. We're going to remember...we're going to code the names of the child and we're going to also code the names of the parents who adopt such children. And I ask a very favorable vote for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, very much, Mr. President. Ladies and Gentlemen of the Senate, I have one question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Donahue.

SENATOR DONAHUE:

Senator Smith, how does this affect the confidentiality rules and regulations or feelings that are already in place for people who do not wish their name to be known in regard to adoption?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you. Just as I said, all of these names will be coded, the children and also the parent who gives their name that want to adopt these children and all of this will be confidential, it will be in under the umbrella of the Department of Children and Family Services. We're merely trying to help to assist getting these children adopted, that's all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Why would the Child Care Association be opposed to this on...on their concern for the confidentiality of this, the Child Care Association?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

I'm sorry. Because of the talking, I didn't understand the first part of her question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

The Child Care Association is concerned, they are opposed to this because of their concern about the confidentiality.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

We have covered their concerns by doing the things that

we are doing now to make it definite.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

What are we doing now that we weren't doing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

What we are doing now, we're merely trying to put some teeth into making it sure that young people who are handicapped and who are hard to place will have an opportunity as well as those who are not handicapped, that's all we're trying to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Senator, I...I have no problem with what you're trying to do, I really don't, because I...I know that this is something that's difficult to...to accomplish and that we're trying to help. However, it is something that can be done. I...if...if my husband and I were wanting to adopt some...hard-to-place child, I could notify the Department of Children and Family Services that I was looking. If I didn't want my name to go to the Department of Children and Family Services, I have no way of stopping that because you are saying, "we shall" give the name to the Department of...Children and Family Services, and I...I object to that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...was that a...Senator Smith.

SENATOR SMITH:

Thank you. Senator Donahue, we are using a coding system, we're not writing it out. It's in a coded system. Heretofore the department has been contracting through a agency of...information agency in...allocating children. But

this we want in-house, that's why we are coding it and nobody will have that...access.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

But you are still giving my name to the Department of Children and Family Services and I may not want you to do that. That's what I'm saying, it has nothing to do with coding, it simply says that now the Department of Children and Family Services can contact me...and I'm saying, I may not want that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, sir. They are still doing this, they are doing this on the whole, but when the places...they are still doing this. And what...we emphasized here that it's confidential. Don't you understand that word, confidential? Well, when you say confidence...don't you have trust in your state? Ha...ha.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith.

SENATOR SMITH:

But, seriously, Senator Donahue, to answer your question. You do not have to...this is why we're talking about we're codeifying everything and so it will be confidential. What we are merely trying to do...don't give us opposition...what we're merely trying to do is to provide that these handicapped children will have an opportunity. It's so easy to come up with a lot of little idiosyncrasies, but the main thing...and I am sure I have trust in our Department of Children and Family Services. And I...I believe that...that if they do this in-house the people will be protected and the children will be given an opportunity. I ask for a favorable

vote, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, further discussion? We're still on debate, Senator Smith. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Senator, there's a element to this that is a little bit troublesome. I...I would think that most people who would be in the adoptive business would want some confidentiality on even their request to the first agency for adoption. And in the instance of hard-to-place children, the problem that I foresee is that fewer people will deal with agencies once they know that this information will be made public. So that...so that...I know what you're trying to do. It...it may be self-defeating in the long-run in that people who otherwise would be inclined to adopt hard-to-place children might stop going to agencies for that very reason. Had you thought about that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, sir. To Senator Newhouse. Through the...Information Adoption Agency we are already giving out the names of the persons who seek to adopt. But the only thing that we are seeking to do, we are trying to help these agencies to place these children. Many of the agencies...and the rationale shows that children who are hard to adopt are sometimes left secondary and they will...the agencies will work. But we're merely trying to help these agencies to help themselves to get these children adopted, that's all we're trying to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, would...would you be willing to accept an amend-

ment that would...that would make it voluntary on the part of the persons seeking to adopt to go on such a list? I think that would strengthen your bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

May I...we'll take it out of the record right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith seeks leave of the Body to take the bill out of the record. Take it out of the record. 195, Senator Geo-Karis. On the Order of Senate Bills 3rd Reading is Senate Bill 195, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 195.

(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...the Senate. Senate Bill 195 has been amended to provide that if a senior citizen of sixty-five years of age or over is living with a...a relative as provided in the bill and...for at least nine months, that relative who owns this...property can obtain...homestead exemption for that...for that senior citizen. It's a good bill. I supported the bill, Senate Bill 487 which allowed people who spend fifty thousand or a hundred thousand dollars on senior citizens to be taken care of by co-op. units and this helps the people who don't have it. And I urge for...favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. What is the fiscal impact, if

the sponsor will yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I don't believe the fiscal...impact would be too much because there are not very many...parents living with their children nowadays, as you know, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

It was my fault, I did ask, yeah. The difficulty I have with this is this, it seems to me...I understand the motivation and it is certainly altruistic. The difficulty I have is it is a major expansion of an existing program and one that, frankly, could cost a lot of money. This bill, as I understand it, says, in effect, that if my mother-in-law or my mother reside with my wife and children and I in our home,...do I get a homestead exemption or does my mother-in-law get it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

You get it because your mother-in-law lives with you and that will help you, a little bit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

For those of us who live with their mother-in-law, there's not much help you can offer us. You know what I mean?...I don't know. I don't know why I got into this in the first place. I just think...you know, it...it's got some serious fiscal ramifications and I'm not sure...you know, it's...it's only...it's like that bill we had some years ago where it was almost like rent-a-grandma. You could take

a...a senior to the store and get an exemption or get a waiver of your sales tax and...it's..it's too much, I don't know why we're doing this. My mother-in-law, in fact, lives with me, but I am certainly not entitled to a senior citizen homestead exemption on my property that I own and enjoy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to acknowledge at the outset that the sponsor has worked hard to...to improve this bill and certainly she has done so via the...via the amendment, because the applicability is now limited to those people who qualify for the circuit breaker. But has...has just been pointed out by the prior speaker, this does represent an expansion of the senior citizen's homestead exemption. That was introduced as a form of property tax relief and now we are applying it in situations where the senior citizen does not, in fact, own property.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise only somewhat reluctantly in opposition to Senate Bill 195. Again, no one is questioning the well-intentioned motive of what this bill is about, and it would be nice to be able to do a whole lot of things to encourage families to keep their elderly parents or grandparents or whatever in the home. But it seems to me that we cannot take every possible approach and we cannot cover every possible contingency and this one is indeed an expansion of the homestead exemption and an expansion into a brand new program area. That is not a...the concern with the...the homestead exemption, once we get everyone being treated equally at least is that it impacts on local govern-

ments, it doesn't impact on us, so it's a very easy, cheap way for us to pass tax relief; and in addition it has no dollar...limit, although I know there's been an effort to put one here, which I...that much I applaud. Beyond that, let me say that...and I'm not trying to be too bureaucratic about this but we did spend a lot of time in the Senate Revenue Committee and in the Senior Citizen's Subcommittee of the Senate Revenue Committee to address the question of what was the most important thing to be done in the way of further tax relief for senior citizens in this General Assembly because we cannot do everything that we are requested to...to do by one member or another. After due consideration, we decided that the most important thing was to expand the existing circuit breaker program somewhat, because what's happened is that it has dropped off in recent years and we think that's because inflation has taken its toll on the income limits. That was a bipartisan, unanimous decision of that committee. That bill has now been passed out by this...by this Senate and I'm sure will pass the House, and it seems to me that we ought to confine ourselves to that highly important and responsible approach and not try to open up a brand new potentially costly program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

I don't know...the previous speaker and the other speakers here, we talk about helping senior citizens. We passed Senate Bill 47 which helped senior citizens, those that can plunk down fifty to a hundred thousand to get into a retirement home; we extend it to circuit breaker here. Here we're talking about senior citizens that...that qualify for the circuit breaker who make about...who maybe have about twelve thousand dollars coming into their...or ten thousand dollars coming into their...and there may be less than that coming

in. And...all we're doing here is some simple justice. If...in my neighborhood, my people take their parents in just like they're anything else because they think it's a sin to send them to an old people's home, they take care of them. And I think this program here is not expensive. I think...I think it's a good bill and I think it will encourage in-home care. And who can care for their parents better than their own children? I think it's a good bill and I think it's something this State stands for and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'm going to vote against this bill because probably seventy percent of the tax relief we would allow here is going to come from our schools. That's why I voted against the bill that Senator Lemke just mentioned that passed out of here earlier. That's why I'm going to vote against most all other bills that would increase circuit break...or...not circuit breaker but homestead exemptions. We have to begin to...to realize that when we here in this General Assembly grant tax relief, we're taking that money away from somebody and most of this money will come from our school children.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise in strong support of this bill. I think that we have to start looking to the future and planning for what the statistics show us are happening today. The fastest growing segment of the population of this country is the senior citizen segment of the population. I think that this is compassionate. Yes, it may be expensive but it is not as expensive as having to force people either into nursing homes or having more expen-

sive in-home care. Families themselves can take care where at all possible where it's physically possible to take care of these people until the very end when they cannot be taken care of with home nursing care or in some other way. I actually look at this bill as a saving and certainly not as a boondoggle. I don't see it as coming from the budgets of the school and I don't...I...I really don't know how we can equate it, this kind of an exemption, to that situation. I stand strongly in favor of this bill and I think we'd better start thinking of the future and what we are going to do with that population who are the fastest growing area of our segment of all of the population.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpel.

END OF REEL

REEL #5

SENATOR KARPIEL:

Well, thank you, Mr. President. I agree with the previous speaker's comments and, in fact, she made many that I was going to say. I think this is a good bill. We're always trying to find ways to keep the senior citizens either in their own homes or out of nursing homes because...and we have a...a very costly community service...program going on with the Department of Aging. We try to keep these people out of nursing homes and there are a lot of older people who may not be...actually ill but just don't have a lot of money, are living on social security, are having a hard time getting around and can't afford the...the cost of an apartment, they have no place to go, there aren't enough senior units in the State. I think this is a good way to keep families together and to, perhaps, provide an incentive to children to have their parents live with them, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, have any of you found out what it costs to put a parent in a nursing home? Fifteen hundred to two thousand dollars a month. Why shouldn't that parent have an opportunity to live with their child and at...at the same time provide a miserable two thousand dollar exemption...on their...the taxes of the child who owns the house? I think we will encourage more love and more understanding between children and the grandparent. I think it's a necessary bill. We've got to help the people who can't afford to maintain an apartment, who can't afford to maintain their own homes today

with the...the tax structures that we have. I think it's a very humane bill and it's only...applies to one...one exemption, it doesn't have...for any more, it helps the senior citizen tremendously; and if we really feel that we want to help senior citizens, this is the way to do it. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 195 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 29, 14 voting Nay, 8 Present. Senate Bill 195 having failed to receive the required constitutional majority is...declared lost. Sponsor requests postponed consideration. 199, Senator Newhouse. 200, Senator Newhouse. 201, Senator Sangmeister. 201. On the Order of Senate Bills 3rd Reading is Senate Bill 201, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 201.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. As many of you are probably aware, because of the gang related problems that we're having in this State and, of course, throughout this country, there were a number of groups put together, none the least of which was by Senator Marovitz and myself who have held hearings in an effort to put together a gang crime package, for want of a better terminology. Senate Bill 201 is the start of that package. I believe it runs from 201 through 209. A number of those bills have already

gone out on the Agreed List. Nonetheless, this one was brought back for amendment and, therefore, is on the...the Calendar today. I would, of...course, urge you all to support this as an entire package. This was not put together willy-nilly but after considering an awful lot of people...talking to the people out in the streets, and we think it is a fine package and one which will attack the problem in the State of Illinois. Senate Bill 201 is one that deals in the area of unlawful use of weapons. What we have done is we have amended that section by establishing a new section called Violations on School Property. The testimony that we received indicated that most of the problems in the gang area come from...from problems that arise on school property, and this bill is an attempt to attack that from the unlawful use of weapons prospective. If you are familiar with that section of the Criminal Code, you will find that there are eleven sections in there of unlawful use of weapons. Sections 1, 2, 3, 4, 5, 8, 10 and 11 will now be a Class 4 felony; six and seven will be Class 2 felony and Section 9 will be a Class 3 felony where the violation occurs in connection with school property and, as the amendment that we put on the bill states, within one thousand feet of any school property, largely because we were concerned about people doing the same thing across the street from the school property. School property is defined as a public, private, elementary or secondary school, community college, college or university. This is the start of a series of bills, as I indicated, the first...we want to deal with people who want to sell or possess...weapons that are illegal under the unlawful use of...unlawful use of weapons section of the Criminal Code and apply it to school property or within one thousand feet of school property. Be happy to answer any questions. If not, will move for a favorable roll.

PRESIDENT:

Any discussion? Senator Coffey.

SENATOR COFFEY:

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

PRESIDENT:

Indicates he'll yield, Senator Coffey.

SENATOR COFFEY:

The thousand feet within the school, is that within the boundaries of the school? How about a residence that's...within a thousand feet? My home is within less than a thousand foot of a...of a school. Does that mean I can't own a weapon?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

That...no, it does not mean you cannot own a weapon; however, if your home was within a thousand feet of a school and you are doing an act which is a violation of the Unlawful Use of Weapons Act of the State of Illinois, then, yes, you would be covered.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

So...so to own or to handle, as long as you was not...okay, that answers my question. Thank you.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 201 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 52 Ayes, no Nays, none voting Present. Senate Bill 201 having received the required constitutional majority is declared passed. 202, Senator Marovitz. On the Order of

Senate Bills 3rd Reading, Senate Bill 202. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 202.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is a...another bill in the gang crime package which tries to deal not only with sanctions but with providing some programmatic assistance to juveniles who were involved in substance abuse or alcohol abuse, and before going on, I'd like to thank Senator Rock for his leadership and assistance in putting...putting this program together as well as Senator Sangmeister and the bipartisan help that we got from Senator Barkhausen, Senator Kustra and Senator Geokaris, as well as others. This legislation attempts to reverse the current trend of drug-alcohol use and abuse by school age juveniles. Senate Bill 202 implements a Statewide program of drug-alcohol education in all Illinois schools, public and private. It provides programs which will improve the competence of Illinois teachers to teach drug and alcohol education effectively and encourages cooperation among all agencies and groups which have an interest in and some responsibility for the health and welfare of youth throughout the State of Illinois. The bill provides a Statewide juvenile alcohol and substance abuse education and prevention program. It requires the Department of Alcohol and Substance Abuse to assist in developing and supporting local prevention programs through the use of regional groups. DASA is to provide programs to...improve competence of teachers in the provision of alcohol and substance abuse education, and DASA

must also provide technical and financial assistance to local governments and community organizations in establishing local alcohol and drug education and prevention programs to keep youth out of trouble and to get them off of drugs and substances...which they shouldn't be on if and when the situation arises. I would ask for a favorable roll call on Senate Bill 202.

PRESIDENT:

Any discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 202 and the rest of the package which has been introduced by Senators Marovitz and Sangmeister. Many times what we do here in the Illinois General Assembly complements the work of other levels of government. In this particular case, I'm not so sure at the moment that we're necessarily complementing the work of the City of Chicago but we may be the only game in town, because as some of you may know, there is a four...million dollar program to fight gang crime alive in the Chicago City Council but it is at the present time stalled, and as long as it remains stalled, there really isn't much hope to deal with this problem at the local level. So, I would suggest that Senator Marovitz' program becomes even more important and I would urge its favorable consideration today.

PRESIDENT:

Any further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, speaking specifically and briefly to the...to this bill. Senator Marovitz and I and others have been involved in the...the whole drunk driving issue with driving under the influence of...of alcohol and drugs, and as tough as we are with people who commit that type of offense, I think it's equally, probably more impor-

tant to make sure that at the same time we have sound programs to prevent individuals, particularly our youngsters in this State, from being tempted by the influences of alcohol and drugs in the first place. That's the purpose of this legislation and I rise in support of it.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Frankly, this looks to me to be a very good package but I'm somewhat confused. Didn't I read in the ink column that these bills had already been passed? Why are we voting on them now?

PRESIDENT:

Further discussion? Any further discussion? Senator Poshard. Senator Marovitz may close.

SENATOR MAROVITZ:

I would just ask for a favorable roll call.

PRESIDENT:

Question is, shall Senate Bill 202 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 202 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 204. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 204.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and members of the Senate.

SB 207
3rd Reading

Another in the gang crime package which provides that juveniles fifteen, sixteen years old who sell hard drugs within the safe school zone would be transferred to adult court, prosecution as adults, and I would ask for your favorable roll call on this bill. If we're going to get tough on crime and try and get rid of drugs in the schools, this is something we need.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 204 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 204 having received the required constitutional majority is declared passed. Top of page 8, on the Order of Senate Bills 3rd Reading is Senate Bill 207. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 207.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. A couple of years ago we passed some tough laws about recruitment...gang recruitment, but this bill is aimed at the adult leaders of gangs who recruit juveniles into gangs. The current statutory provisions make it a Class 3 felony to compel membership in an organized gang. It doesn't make a distinction between the age of the recruiter and the person being recruited. This bill does just that. It enhances the potential penalty for adults who recruit minors into gangs making it a Class 1 felony for adults who threaten

a minor with bodily harm or coerce him into a gang.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 207 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 207 having received the required constitutional majority is declared passed. 208. On the Order of Senate Bills 3rd Reading, Senate Bill 208. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 208.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

...thank you, very much, Mr. President and members of the Senate. The cannabis portion of this legislation has been eliminated. This deals with the sale of drugs or firearms by an adult to a juvenile on school property. It makes the sale of firearms or hard drugs to a juvenile within the school zone a Class X felony, and I would ask for your...for your favorable roll call.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 208 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 208 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading,

Senate Bill 209. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 209.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is the last in the gang crime package and, again, in additional criminal sanctions, this is the bill which will provide assistance to business and community groups that provide alternatives for gangs, such as, vocational programs, job training programs, counseling programs, alcohol and substance abuse programs, athletic and recreational programs. It provides...it...it allows...authorizes a one hundred percent income tax deduction for businesses who make contribution to projects which are approved by the State, and it...it authorizes the Department of Commerce and Community Affairs to make grants up to fifty thousand dollars per...per project for projects which are approved by DCCA for the assistance of juveniles in athletic, vocational programs, counseling programs, substance and alcohol abuse programs so that not only are we getting tough in terms of sanction, but we're going to try and get at the crux of the problem in...in aiding and assisting businesses and local community organizations that provide alternatives to youth and juveniles from getting involved with gangs.

PRESIDENT:

Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, as Senator Marovitz knows, I did express some reservations about this part of the gang crimes package, primarily because it's more than likely that

the bill will have a significant fiscal impact. Estimates have...have varied all over the map, I think, but one...one figure is twenty million dollars. I...I don't know that it's going to be very easy for the Department of Commerce and Community Affairs to determine what the criteria should be that determines whether a community agency is fit for contributions of the kind envisioned by the bill and that would result in significant deductions and a...a great potential erosion of the tax base. For that reason, I ask all of you to take a careful look at the bill. I'm not sure that it's...it's worthy of support than the other measures we just passed.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 209 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 45 Ayes, 11 Nays, 2 voting Present. Senate Bill 209 having received the required constitutional majority is declared passed. 216, Senator Lechowicz. On the Order of Senate Bills 3rd Reading the middle of page 8, is Senate Bill 216. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 216.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 216 would provide funds for the operation of a technical training program where corporate sponsored equipment is used. The board shall administer a pro-

gram for the donation of technical and vocational equipment to community colleges. The taxpayers and corporations are granted an income tax deduction for equipment donated to community colleges. I know of no opposition to the bill and I ask for your favorable support.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 216 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 43 Ayes, 11 Nays, none voting Present. Senate Bill 216 having received the required constitutional majority is declared passed. 220 was on the recall. 227, Senator Savickas. Senator Savickas on the Floor? 232, Senator Joyce. 235, Senator Welch. On the Order of Senate Bills 3rd Reading, bottom of page 8, is Senate Bill 235. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 235.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill is very short and simple. It simply says it's an unlawful practice for any person to promote or advertise any business or product by means of offering free prizes to consumers without specifying the fair market value of the free prize, and the amendment contains an exemption for radio and T.V. commercials. This bill is as a result of many complaints made to the attorney...Attorney General's Consumer Division...Consumer Fraud Division in which products were offered as free, which it turned out were not very valuable, and I would ask for sup-

port.

PRESIDENT:

Any discussion? Is there any discussion? Senator Schaffer.

SENATOR SCHAFFER:

It's my understanding that the Retail Merchants Association has some problems with the bill. I...I think they're...if I understand their position, they don't have any objection to what you're aimed at, but I think they felt you've...shall we say, spread the brush a little further across the...the subject than perhaps we should have. I think there, obviously, are some fraudulent things going on, but have...has there been an amendment put on this bill that I'm unaware of that restricts it down to what you're aiming at or are you still firing the shotgun in the general direction of the evildoers?

PRESIDENT:

Senator Welch.

SENATOR WELCH:

The...amendment eliminated the bill as far as it applies to radio and television, the electronic media. It applies only to print media which is more able to advertise directly on the advertisement the fair market value.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, I guess I'd have to agree with you, those sneaky people in the print media probably should be watched a lot more closely than the honest people in the electronic media. Huh? I don't know, I think the objection the retail merchants had is still valid in...in that there are some problems in what you're talking about the...you know, come spend a weekend at our resort and we'll give you a free Cadillac and it turns out to be a six-inch toy, but there are an awful

lot of pretty innocuous giveaway things that are done by, you know, come on in and we'll give you a bag of fertilizer or something from a hardware store and maybe it's only a pound of fertilizer but what did you expect for nothing. I think, frankly, you...you've shot, as I said, the shotgun in the general direction of the evildoers and you probably have hit some fairly innocent, decent folk in the process. I personally would prefer to wait until you get a rifle and take direct bead on the bad guys. Firing shotguns into crowds is just dangerous.

PRESIDENT:

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

SENATOR WELCH:

Thank you. I would just say that...certainly any problems that exist in the bill we could work out in the House and, secondly, I think that this does correct a problem which exists and I...I think it's a very light burden to place on advertisers to require them just to say what the fair market value of a product is, and I would ask for a...a favorable vote.

PRESIDENT:

Question is, shall Senate Bill 235 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 32 Ayes, 24 Nays, none voting Present. Senate Bill 235 having received the required constitutional majority is declared passed. 236, Senator Newhouse. Senator...I beg your pardon, Senator Schaffer.

SENATOR SCHAFFER:

At the risk of prolonging any proceedings, could we have a quick verification of the positive votes?

PRESIDENT:

That request is in order. Senator Schaffer has requested a verification. Will the members please be in their seats. Mr. Secretary, please read the affirmative roll.

SECRETARY:

The following voted in the affirmative: Berman, Carroll, Chew, Collins, D'Arco, Darrow, Dawson, Degnan, Demuzio, Hall, Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Keats, Kelly, Kustra, Lechowicz, Lenke, Luft, Marovitz, Nedza, Netsch, O'Daniel, Poshard, Sangmeister, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

I guess in the interest of bipartisanship, I should start with Senator Keats.

PRESIDENT:

Senator Keats on the Floor? Senator Keats on the Floor? Strike his name, Mr. Secretary.

SENATOR SCHAFFER:

...I see Senator Nedza in his chair...Senator Smith.

PRESIDENT:

Senator Smith on the Floor? Senator Smith on the Floor? Senator Smith is in the phone booth, Senator Schaffer.

SENATOR SCHAFFER:

Senator Berman.

PRESIDENT:

Senator Berman is also in the same phone...department.

SENATOR SCHAFFER:

Senator Dawson.

PRESIDENT:

Senator Dawson is in his seat. The roll has been verified. On that question, there are 31 Ayes, 24 Nays, none voting Present. Senate Bill 236 having received the required...235...Senate Bill 235 having received the required

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3rd Reading*

constitutional majority is declared passed. 236, Senator Newhouse. 237, Senator Kustra. On the Order of Senate Bills 3rd Reading, top of page 9, is Senate Bill 237. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 237.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This bill flew out of the Senate two years ago with hardly a Nay vote. It's back again this year. Under current law, in-person absentee balloting is allowed in municipal and township halls during the odd numbered years. This bill extends that voter service to allow in-person absentee balloting in village and township halls in the even numbered years. Current law provides that a clerk can waiver out of this particular practice, so no one is forced to do that. The Bureau of the Budget knows of no fiscal impact to local governments in this case since it really is a practice that already goes on anyway. I would ask for a favorable vote.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 237 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 56 Ayes, no Nays, none voting Present. Senate Bill 237 having received the required constitutional majority is declared passed. 242, Senator Maitland. On the Order of Senate Bills 3rd Reading, top of page 9, is Senate Bill 242. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 242.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 242 does exactly what the synopsis says. It requires downstate teachers to initiate hearings on dismissal and...and removal for cause rather than school boards...initiating such...such procedures. It take away no benefits whatsoever and I would ask for your support.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 242 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 56 Ayes, no Nays, none voting Present. Senate Bill 242 having received the required constitutional majority is declared passed. 249. On the Order of Senate Bills 3rd Reading, Senate Bill 249. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 249.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you,...Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 249 provides that the business investment tax credit be applied against the State Income Tax

rather than the personal property replacement tax. As a matter of history, we remember that the corporate personal property replacement tax was enacted to replace the personal property tax as a means of funding schools and local governments. In 1982, we chose to do something very special for business in allowing an investment tax credit, something that I think we still need. At that time it appeared that the replacement tax was increasing at a time when the State's general...revenues were in recession. That is no longer true. In fact, we're in a reverse situation right now with the replacement tax dropping each year rather dramatically and our own general revenues in the State with the recovery going up. I think it is time to reverse that decision to be sure that our schools will get that additional twenty-five million this year, an estimated forty-eight million dollars next year. I think it's a...a very, very, shall I say, easy way to be sure that education has some of the needed monies that we're talking about here in the Senate Session this particular year.

PRESIDENT:

Any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

Sponsor indicates she'll yield, Senator Fawell.

SENATOR FAWELL:

Could you tell me...you say that this...the local districts are going to gain twenty-five million. Does this mean somebody is going to lose twenty-five million?

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

The...the State does. In other words, we're transferring

funds from one to the other. The...the State loses the money that would have gone into general revenue and instead we're doing what was intended under the law is to give all of those replacement taxes to the school district.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Is this above and beyond what we are allocating for the schools?

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Yes.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Can we afford this? I mean, twenty-five million dollars and then you're talking forty million dollars next year out of the General Revenue Fund above and beyond what we're giving to the schools now?

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

The...the available balance this year in the State funds is anywhere from five to six hundred and fifty million dollars extra. This is the year when we can afford it. And as you remember, this is just temporary. It goes to 1989, the business tax credit and now is the time when we need the money for the schools and for...and some of it will go to local governments as well.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDENT:

Sponsor indicates she'll yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator Holmberg, what would be the...the impact of the implementation of this proposal on partnerships and Subchapter S corporations? I raise that issue because both of those classifications of taxpayers do pay the replacement tax but they do not pay income tax.

PRESIDENT:

Senator Holmberg. Senator Holmberg.

SENATOR HOLMBERG:

I...I'm not sure they would be eligible and I...and I don't have any particular information on that particular part of the law.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

I think that that is a...a matter which...which warrants some consideration because each...both partnerships and Subchapter S corporations do pay the replacement tax but they do not pay the income tax. So, I think that there may be some...there may be some net reductions although I think that...that requires some...some study. However, I find that I...I must rise in...in opposition to this...to this legislation regardless of what impact it may have on the partnerships or the Sub. S corporations. Actually, the fiscal impact is not twenty to twenty-five million on an annualized basis. That...those figures come...represent a six-month impact because this legislation would be effective on the 1st of January in 1986. So what we're talking about in future fiscal years is a...a fiscal impact on the order of fifty million dollars which are taken from the State's General Revenue Fund and...and taken out of State revenues and...and turned over to revenues of the...of local units of...of

government. I...and I certainly am in sympathy with what the Senator is trying to do. She's trying to find a way to funnel additional monies to the schools. I suggest that we do it in some more direct fashion and not doing it by...by robbing the State because...those general revenue funds, as we well know, there's...there's a...a...quite a bit of pressure on...on our State revenue to fund other programs, the schools included. So, I...I suggest that this is...is not the way to find additional funding for schools. I would urge a No vote.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

...thank you, Mr. President. I rise in support of Senate Bill 249 and I would suggest to Senator Etheredge that if a robbery took place, it took place when we first enacted the investment tax credit several years ago. We very grandly enacted it on the assumption that it would help to do something for business, although admittedly we had no evidence at the time that that would be so; but to make sure that it would not have any impact on State revenues, we said, okay, you, local governments, are going to have to take the full brunt of any revenue loss that does occur because of the investment tax credit. If we believed in what we did when we first passed the bill back several years ago, we should have had the courage of our convictions and taken it out of the State's coffers to begin with. It was absolutely unfair to put the thrust of this onto local governments, and most particularly was it...not right to put that burden on local governments when they are, in fact, losing ground from where they were at the time that the corporate personal property tax was abolished. It has been going mostly down. It's stablized a little bit right now, but this investment tax credit comes totally out of their tax base. Again, it seems to me that if we believe that an investment tax credit is a

good device for attracting business, a premise which I have some doubt about, but if believe it, we ought, indeed, to have the courage of our convictions and say that we, the State, will absorb whatever revenue loss ensues.

PRESIDENT:

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

SENATOR HOLMBERG:

...briefly in response to Senator Etheredge's concern about partnerships and Subchapter S corporations, these...these businesses would perhaps be the least likely to take advantage of the investment tax credit. We're talking about manufacturers, industrialists, retailers. What we are talking about, I think, is a very viable amount of income to come back to our local governments in...in...the primary beneficiaries of that which would be our school districts. I think that if all of you who are members of the Senate would go back to your local municipalities and your school districts and tell them that you did not vote for this, that it was because of this vote that they will be deprived of twenty-five million dollars worth of income this year and perhaps forty-eight million dollars next year, that they really never had any say into the decision a few years ago and that now we can afford to be sure that they have this additional income, I think you will find...a vote for this legislation, a very effective vote for both your local governments and your schools.

PRESIDENT:

The question is, shall Senate Bill 249 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 37 Ayes, 22 Nays, none voting Present. Senate Bill 249 having received the required constitutional

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majority is declared passed. 253, Senator Karpziel. On the Order of Senate Bills 3rd Reading, Senate Bill 253. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 253.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 253 without the amendments that were attempted to...put on yesterday is a very...just a technical bill. It removes obsolete language that provided for special payments to school districts to deal with the cash flow problems for the 1981-82 and '83-'84 school years and this bill simply removes the obsolete language.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 253 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 253 having received the required constitutional majority is declared passed. 258, Senator Netsch. On the Order of Senate Bills 3rd Reading, Senate...Senate Bill 258. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 258.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 258 is the work product of the Senate Committee on Revenue and does have the unanimous support of the members of that committee. It is our senior citizen tax relief bill for the Session. It is, we think, the most responsible form, an amendment to the circuit breaker law that increases the maximum income eligibility limit from the current twelve thousand dollars to fourteen thousand dollars and reduces the...the basic grant subtraction factor from the current five percent to four and a half percent of income earned. What this means is that there will be, first of all, additional senior citizens at that lower income level who will be eligible. It will also allow some adjustment in the grant to be paid to those who are already on the system. Both of those we think are very important. If you look at the figures from recent years, the number of grants paid under the circuit breaker law has been decreasing as has the amount of annual...not appropriation, but expenditure. We think that reflects in part not only the concern that Senator Holmberg had about married couples who through their social security reached the maximum limit but even those who may be single, elderly persons because of increased grants due to their retirement or other social security. In other words, we've been losing people from the program and we did not really intend for that to happen. One point I would like to make very clear is that the maximum cost of this proposal if there were one hundred percent participation is \$1.3 million dollars. The actual cost will be less than that because we never have a hundred percent participation. That is well within the amount that is appropriated in...or is budgeted in the Governor's proposed budget. He has allowed ninety million dollars. We have been way under that for recent years. We will stay within the appropriated amount if this bill is enacted. On that basis, I would solicit your support for Senate Bill 258.

PRESIDENT:

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm...I'm very pleased to be able to rise in support of a...a piece of legislation. I think Senator Netsch has said it very well. This is the result of the work of the...both sides of the aisle, those who are members of the Senate Revenue Committee, and I would urge an Aye vote.

PRESIDENT:

Question is, shall Senate Bill 258 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 258 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, the middle of page 9, is Senate Bill 260. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 260.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 260 amends the Illinois Municipal Fund Article of the Pension Code to provide that the interest on repaid separation benefits shall be calculated at the effective rate for each year from the date of separation to the date of payment. As the law reads right now, the current rate of interest must be paid for each of those years since separation, and as you know, the interest rates are very high

right now. The IMRF is now in support of this bill. I know of no opposition. It is a fair bill in that all of the interest accumulated will be paid but that we will not be demanding excessive payment from someone who...who wants to pay back their separation benefits. I ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 260 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 59 Ayes, no Nays, none voting Present. Senate Bill 260 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 269. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 269.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lenke.

SENATOR LEMKE:

What this bill does...amends the Public Aid Code and it allows for the voluntary assignment of income for housing. We put an amendment on there which limits the assignment to two hundred and fifty dollars and also a limit that the person has to be...in default on his rent to have a voluntary assignment which is requested by many of the community settlement groups. This bill will not only assist public aid recipients in finding housing, it will also...help people that rent apartments to public aid to make sure they get their money from those people that don't meet their obligations. I think it's a good bill. I ask for

its...favorable consideration.

PRESIDENT:

Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I'd just like to let it be known I got a...a letter from Sister Julia of...one of your constituency, from Merrloc House who was telling me that she has been required to come up with six hundred dollars just within the last two weeks to pay for a recipient's rent who, frankly, just couldn't handle their own money. I think this is a...a good bill. I think in the long-run...although it may cost us a little bit money up-front, it...it should save us money in the long-run because we won't have to pay these exorbitant rent if we can get this somewhat on line, and I would suggest you vote for the bill; especially you, Senator Rock.

PRESIDENT:

...further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I'm not sure. I...when did this become a voluntary thing? I thought we...this is something the landlords could require. It's purely voluntary?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Under the...the Federal Government says that the landlords can't require it...then we'd be out of compliance with the Federal Government, but according to case law and we the...the voluntary assignment, it can do. So, that's what we're doing.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, if I were...in...in other words, it's voluntary, I say to the public aid recipient, unless you sign this form, I

ain't going to rent the apartment to you, that's voluntary. And if the Chicago Housing Authority says, we aren't going to let anybody into the housing authority unless they voluntary sign this form, that's voluntary. Right?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Under this bill, if they say that and they're mandatoring it, then they...they're guilty of a Class B misdemeanor. So, I don't think many landlords are going to require it. They're going to go along with the settlement houses, 'cause...most of these placements are, true...people that place them there and there's always somebody around that makes the rental agreement, so I don't think landlords are going to mandatory require it. I think it's a good bill. I think it's...we should have it.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAPFER:

Well, I notice that the amendment has a provision in there that says, "Limits the bill to public aid recipients who within the preceding two years fail to make timely rent payments." That doesn't sound too voluntary to me. You know, I'm...I'm...why...why do we have that provision in there if it's a voluntary thing?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

This is a request by the settlement houses. They...they liked that language, so we put that in to accommodate them.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you. A question of the sponsor and...my ques-

tion is to get an answer to the last question Senator Schaffer asked. Senator, you said this is voluntary, but how does the language "failure to have paid their rent" have anything to do with being voluntary?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

That means it can only be a voluntary assignment to those people that...that...it limits to that class of people that have a history of not making their payments. So, it's voluntary as to them. If they do not voluntarily want to sign it, fine. That's what the settlement houses wanted, 'cause they say there's many people that do it automatically and meet their obligations.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes, well,...well, Senator Lemke, I...I...I think I have some idea of what you're trying to do; however, I don't think this is the way to do it. I think what you may end up doing is penalizing a lot of people. There are...there are several problems with this bill and the absence of a clear-cut State policy as it relates to Building Code violations, I think it is very unfair to mandate that public aid recipients...pay their rent in any...anyway to a landlord. In answer to Senator Fawell's questions that some people have problems managing their money on AFDC, I can assure you that if you were on AFDC, you would have problems managing yours too because you don't really have any to manage. I do recognize that some people are...are careless and make out better than others and that's true, I guess, with...with all segments, even if you work...whether or not you work or not. I don't think that we...we can honestly mandate that two hundred...or three hundred dollars a month be taken off the top out of

someone's flat grant allowance and leaving no money at all...or no discretion for that person to juggle...to try to make ends meet from month to month. It's just not enough money to do that. Is it most certainly unfair to the kids and I think we should...this is not advisable that we do at this time. For that reason, I'll ask that we don't vote favorable for 269.

PRESIDENT:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of...of the Senate. If you would read the analysis of the bill, it simply states there's little benefit to either party. The cost to the State is one million dollars per one percent of recipients who elect this assignment. Now the Department of Public Aid is not for it. The Governor's Office is not for it. He vetoed this same bill, I think, in 1981 and I would suggest that he ought to veto it again if it passes.

PRESIDENT:

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

SENATOR LEMKE:

The bill that the Governor vetoed prior to the...the Federal regulations did not allow for voluntary assignment. Now, they do, from...from our interpretation of the Act. This is a good a bill and the administrative costs, Senator Philip, is very little because the Department of Public Aid, at this time, pays...attorneys to represent public aid recipients to fight eviction proceedings, which is a lot more than a million dollars. I will guarantee you that this is going to save the State money and also provide hard pressed housing for these people on public aid that let landlords do this. I think it's a good bill and I ask for its adoption.

PRESIDENT:

Question is, shall Senate Bill 269 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 33 Ayes, 24 Nays, none voting Present. Senate Bill 269 having received the required constitutional majority is declared passed. 270, Senator Lenke. On the Order of Senate Bills 3rd Reading, Senate Bill 270. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 270.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lenke.

SENATOR LEMKE:

This is identical to a bill that came out of our...our committee last year in regards to improving child support. We held it for a while to check. At the present time, the Federal Government...and what it does is very simple. It requires taxpayers to certify that they provide more than fifty percent of the financial support of dependents for whom exemptions are claimed. This creates a certification process to meet and enforce people that take deductions that really don't support their dependents. I think it's a good bill. I ask for its adoption.

PRESIDENT:

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield, Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Senator Lenke, I would appreciate it if you would

give me a little further explanation as to the need for this legislation. It appears to me on the surface a step toward confusion and chaos in that we could...easily find ourselves in a situation where we would be claiming one number of dependents on the Federal Income Tax return and another number of dependents on the State Income Tax return, and I'm...I'm wondering what the necessity for...for this...this confusion is.

PRESIDENT:

Senator Lenke.

SENATOR LEMKE:

I...I believe right now you certify on your Federal tax that you support...you pay fifty percent or more of the support of a dependent that you deduct. This would just simply put...the teeth. They changed the law, it's just recently been changed. So, you have to...you have to certify that you pay more than fifty percent of the support. Yes.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

The...what this seems to do...we would find ourselves in a situation, perhaps, where we would be claiming more dependents on the State Income Tax return than on the Federal...return, for the reason that the...more than fifty percent of financial support is just one of the criteria on the...on the Federal tax in order to claim a dependent. Just to list some of the other criteria, the taxpayer must also meet a gross income...test, be a member of the household or...or there...has to be...has to live within the household or there must be a relationship proven, there's a citizenship test and a joint return test. What this does is...effectively as far as the State is concerned, at any rate, remove all of these other tests so that we could have a greater number of dependents claimed on the State return than

on the Federal return. I don't see the necessity for this. I think that it causes unnecessary confusion. Let's continue to keep our State returns simple and let's not deviate, as this legislation would propose, from the...from the Federal tax on which we base our...our State Income Tax return. I would urge a No vote.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

I reluctantly stand to agree with Senator Etheredge. One area that hasn't been addressed that is...too common these days is agreements between divorced parents as to how they're going to handle the deductions on income tax returns for a number of the children, and it appears that this bill would be in conflict with those negotiated agreements which are recognized on the Federal tax basis. So, I reluctantly stand in opposition also.

PRESIDENT:

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

SENATOR LEMKE:

This bill does not change the existing law as it...this only adds to the thing that you certify you pay fifty percent. This is what the Federal Government does now. You certify that you contribute fifty percent of that support. Even though you have a divorce agreement, you still got to certify it and if you...if you...you're certifying support of children, that means it's a better enforcement tactic to...to enforce the collection of income tax and also the...the...the enforcement of child support in this State. I think this is a good bill. This does not change current law, this just adds to it. It calls for a certification and I don't think that's too much to ask for. In other words, you swear to the fact that you support these kids. Too many people on their income

tax take the credit because they have a divorce agreement but they don't even contribute to those kids. That's why we got a support division in Cook County to go out and collect this money from those husbands that certify...in...on their...they...they deduct on their income tax...these kids but they never support them and this bill does that. This bill says they certify, so we have some teeth after the fact to go after these guys and collect that money. Vote on the regards to income tax and vote as to child support. I think it's a good bill. It adds to existing requirements and I don't think it conflicts with Federal law.

PRESIDENT:

Question is, shall Senate Bill 270 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 25 Ayes, 30 Nays, none voting Present. Senate Bill 270 having failed to receive the required constitutional majority is declared lost. 274, Senator DeAngelis. 275. On the Order of Senate Bills 3rd Reading, Senate Bill 275. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 275.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President...I thought I would find this bill on the Agreed Bill List but apparently it is not. What Senate Bill 275 does is very simple. It permits the residents of Cook County to be able to file a complaint on their taxes in the same manner that the residents of all hundred and one other counties do, and that is on the median level of

assessments. I've had this bill for three years. The first year it didn't get out of revenue. The second year I was asked to hold it because the assessor was going to talk to me about this bill; the assessor has not. In fact, he set up a committee to study property taxes, Mr. Hider was head of that committee. I talked to Mr. Hider and I was told that I would be allowed to participate; I was not allowed to participate. On this Floor last week, I heard one of the distinguished members of the Democratic party...City of Chicago talk about all the industries that were leaving his district. I was tempted, at that point, to ask him if he asked them why, because I can tell you that I have done that with my district and I can tell you why, because they are fed up with the assessment process in Cook County. But let's not talk about business 'cause this is not a pro-business bill. Let's talk about the people who really get the short end of the stick. If you happen to be assessed at sixteen percent of market in Cook County, you have the distinct pleasure of paying a 1.9 multiplier, when by the admission of the assessor's office, residential property is assessed at eleven percent, but you can't complain because you are not at market. I don't know why the assessor is against this. I would think probably because he's going to be asked to do something that he hasn't done in the past, but then, you know, those of us who serve in government know that if we were to give our constituents the response that we don't want to do something because we haven't done it before, we would not be down here too long. But I really think that there's a far greater reason because the sales ratio studies are, in fact, the assessor's report card, and I think therein lies the concern of the assessor's office. In the County of Cook...County of Cook there resides the largest Democratic population in the State of Illinois; in the County of Cook resides the largest Republican population in the State of Illinois, and in the County of Cook

there lies the largest amount of property taxpayers in the entire State of Illinois, and to not afford them the same opportunity our brethren...I know, some of you from downstate can turn around and say, well, it's not really my problem. Well, I want to tell you, the economy of Cook County is your problem, because the less we end up paying, the more you're going to pay someplace else because the need for the cost of government is still there. One last thing. I'd like to remind some of my fellow Democrats...I'm sorry, some of my fellow Senators who are Democrats...well, I was one for four-fifths of my life, Senator Zito, Senator Lenke, Senator Kelly, Senator Dawson, you know, we do a lot of complaining here about the State Aid Formula. Time after time we talk how we get shorted. Well, I want to tell you, one of the main reasons you're getting shorted is because of the assessment practices in Cook County. I urge an Aye vote. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Senator DeAngelis, if this legislation...this proposed legislation became law, would it be, in your opinion, more or less likely that the multiplier for Cook County would go up?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, it would have no impact on the multiplier other than the fact that it would show that the level of assessments in some categories are far too low, and if the assessor chose...chose to change that, the multiplier would come down, but it'll be his report card, it'll show. If he doesn't want to do anything about it, that's his privilege. I can't make him assess properly.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Would you go through that last part again for me?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR JEREMIAH JOYCE:

The...the last three sentences.

SENATOR DeANGELIS:

I said I can't make the assessor assess properly. The multiplier is, in fact, an indication of the errors in assessment at a given jurisdiction.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Oh. Well, let me...let me...while appearing to be rhetorical, really pose a question for you. It is my understanding that the legislation that you are proposing would permit a...an aggrieved or allegedly aggrieved taxpayer to submit as conclusive evidence data which we call the assessment sales ratio studies, which the Illinois Supreme Court has recently said are not reliable, for the purpose of obtaining a reduction in his assessment. Is that correct? Yes or no?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, it is not correct because I think you're reading that Supreme Court decision incorrectly. What it says is we can't do it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

...well, let me exclude the...parenthetical and take that out...my references to the Supreme Court decision. With that

out, would what I...would...would the statement that I made or the question that I asked, would you agree with that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

You got my attention with that U.S. Steel case. Now, could you restate your rhetorical question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, what I am...what my understanding is, is that this legislation would provide a person seeking to have his tax assessment lowered would...would provide him with conclusive evidence, the assessment sales ratio study, for the purpose of going to a reviewing body, in this case the board, and having his taxes lowered. Is that right...having...having his assessed valuation reduced. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Now, my understanding is that the multiplier reflects an underassessment. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, in Cook County it reflects a little bit more than that, but by and large, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

So that if a person were to go in and be able to say to a...a board of appeals, discount...discount all other factors and conclusively set by evaluation on the basis of the State sales ratio studies and had his tax...his valuation reduced, my understanding is that the multiplier would have to go up and if I am misunderstanding this, would you point out to me where.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if the...if the assessor were blatantly assessing people at higher than the median level, the answer is, yes; but if you were assessing properly, the answer is, no, it would come down. And I might...let me point out something else too. If there were not sufficient enough sales ratio studies, you might have a point; but you know, Senator Joyce, I tried to put an amendment on that would do that, and you remind me of a neighbor I had in Dallas, Texas who got mad 'cause...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator, we have some more questions on Senator Joyce's time. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, Senator DeAngelis, I'm back to...I'm back...your neighbor in Dallas aside, I'm back to the question of whether or not this legislation...because if it doesn't...I mean, if this legislation isn't needed, if everything is...if every taxpayer...if every taxpayer is paying, because I don't believe the taxpayers are going to go in and say, you have underassessed me, I should be paid more. If every taxpayer who goes in with this...data and is able to obtain relief based on this...in many instances faulty data, it seems to me that the...that the...the multiplier will have to go up, and I don't see how you get around that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, it...it will go up if the assessor doesn't look at his report card. If he doesn't want to improve his grade, you're right. But let me just tell you where the greater problem is...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR DeANGELIS:

If I'm...if I'm assessed at...

PRESIDING OFFICER: (SENATOR SAVICKAS)

He asked a question. You answered it and now he seeks to ask another question. Senator Joyce.

SENATOR JEREMIAH JOYCE:

This...this...this...this data that we're talking about, Senator DeAngelis, at the time that it would be in the...at the time that it would be in front of whoever was going to make that decision, the board of...of appeals, okay? How old would this data be?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if...if you're going to rely on the Department of Revenues, it would probably be about two years old, but the assessor has the opportunity to do that himself if he would like.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, you...you are...you are...you're legislation provides that the board of appeals will...will look at this data. What I'm...what I am...I could suggest a number of hypotheticals. Let me give you one for instance.

If...if...well, Senator DeAngelis, I...I...I think I...I've lost your attention. I...I...

PRESIDING OFFICER: (SENATOR SAVICKAS)

He's getting...

SENATOR JEREMIAH JOYCE:

...I was trying to learn something about this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis, do you have...give your attention to Senator Joyce.

SENATOR JEREMIAH JOYCE:

It's...so it is my understanding that by your own Department of Revenue or whatever notes you're following over there that the decision would be based on information that was at least two and...from what I understand it, possibly three years old; it would be based on information that is, by our...that the Illinois Supreme Court refused to accept in a most significant case; and, in fact, the real beneficiary of this legislation would be a few large corporations in Cook County that would come loaded to bear with all kinds of lawyers and all kinds of high-priced other support staff, enforce local governments to go to the wall on these things, pay a lot of money and maybe possibly...maybe...possibly force the...the...the County of Cook to settle out. So, I don't see how you're helping the homeowner. I don't see how you're helping the small taxpayer and...and in...in Cook County...and in Cook County, if you are saying people...the corporations are...leaving because of the tax situation, that just isn't the case. You know, we've done such a great job in this State of...of shifting the corporate tax burden to the individual, you know, that is just such a...a...an erroneous statement and I ask that this legislation be defeated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, I...I can...can't understand in my wildest dreams why the people of Cook County shouldn't have the same system as a hundred and one counties downstate. Just to refresh your memory...and it's a simple system, quite frankly. If you disagree with your assessment, you go to your local assessor. If you get no relief from your local assessor, you file a complaint with the board of review and simply go to the board of review. You don't need a lawyer. You don't need an appraiser. You don't need a handler. Now it works downstate, quite frankly, and obviously in Cook County you need a lawyer. You know, that's a little gold mine for lawyers in Cook County, but I don't think it helps the system or helps the people. If you'd look who supports this, you would note...notice the Taxpayers Federation, the Civic Federation, the Illinois Association of Realtors, they allegedly are...are unbiased, nonpartisan authorities on taxation. Why don't you, for a change, stand up and do what's right and put your white hat on and vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Having just heard Senator Philip's exhortation to vote Aye, I rise in opposition to Senate Bill 245. Let me just suggest to you what it says, and if you read what it says, it's going to make a lot of difference. It says that the review of all complaints shall be based upon the most recent median level of assessments as determined by analysis of assessment to sales ratios for the township and class of property. Now let me just suggest two things. We beat the amendment with...which called specifically for the use of the Department of Revenue assessment to sales ratios studies

because our own Illinois Supreme Court has said they're statistically not valid; don't use it, please. Certainly, don't use it exclusively and let me just suggest to all of you from the other hundred and one counties that if, in fact, this is done, you can be sure of two things; one, that the only beneficiary are going to be those major corporate entities that can hire a law firm like mine and we can waltz in there and make a heck of a presentation based on assessment to sales ratio studies, and who's going to suffer? The homeowner because the homeowner is going to wind up a higher multiplier. What's it going to mean to the other hundred and one counties? I'll tell you what it's going to mean, it's going to mean countywide that we will have a lower assessed valuation countywide, and you know what that does to the School Aid Formula? That takes money from the collar counties and downstate and shifts it right into the County of Cook. Be my guest. I urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

END OF REEL

REEL #6

SENATOR DeANGELIS:

Yeah, Senator Rock, I'm really disappointed that you would not like to see some of that school money coming to Cook County. Let me address the issue that he brought up or...regarding the Supreme Court decision. I would like to read to you one paragraph of that decision, because you know what, we're blaming the bathroom scale for being overweight on this sucker. "The treasurer showed, however, that the studies insofar as the Cook County property is concerned do not, do not, do not, meet the standards of the...International Association of Assessing Officers. Besides lacking randomness, representativeness and sufficient editing, the coefficients of dispersion"...which is the variances in which they assess things," are too high for the median assessment level to have statistical significance relative to the standard of proof." Now, to use something as a piece of evidence to defeat a bill which shows that there is a problem in Cook County, I think that's just going a little too far. I know where the opposition is coming from on this and I'm extremely disappointed. And I really think that when we get down to taxation, we ought to have, if nothing else, some semblance of equity. Let me show you the injustice. I have a letter in my office, which I showed a couple of people here, in which a taxpayer, a residential taxpayer, was told, you don't have a complaint, your property is at fourteen percent, you should be at sixteen even though we assess at twelve, written by Mr. Quinn. Okay? Admitted that it's at twelve. Now the reason the median level is at twelve, 'cause there's some people that are eight. Now, how would you like to be the person that's at fourteen and you

pay...play the multiplier of 1.9? Is that equity? And by the way, Senator Joyce, it's not going to help business, because the...the assessor's office has shown that business is taxed closer to the median level than residential, and the people that are getting hurt are the homeowners. I urge an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 275 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 29, the Nays are 26, 2 voting Present. Senate Bill 275 having failed to receive a majority is declared lost. Senate Bill 282, Senator Poshard. Senate Bill 288, Senator DeAngelis. Senate Bill 298, Senator Karpziel. Senate...on 288, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 288.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 288, as amended...the bill is changed significantly by the...amendment. What it does now, it provides for a readjustment of a school district's entitlement if the recent equalized assessed valuation drops ten more...ten percent or more from the previous year. As you all know, the School Aid Formula is two year's old, the EVA would have an immediate impact. It doesn't take away from the other schools, it will require a supplemental State appropriation to take care of that when it happens. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 298 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 298 having received the constitutional majority is declared passed. Senate Bill 298, Senator Karpziel. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 298.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 298 simply allows all the municipalities in the State of Illinois the ability to issue liquor fines for liquor violations in their municipality. At the present time, the City of Chicago has that ability but none of the other municipalities. They are faced with the problem of...in the case of a violation of either over...overlooking it and...and just, you know, not seeing it, which of course is not the thing they want to do, or revoking the license of the...the establishment...the liquor license of the establishment which they may not always want to do either. So we're trying to give them the ability to issue liquor fines for liquor violations, and I ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator...the question is, shall Senate Bill 298 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

AB300
3rd Reading

voting Present. Senate Bill 298 having received the constitutional majority is declared passed. (Machine cut-off)...the Order of Senate Bills 3rd Reading, Senate Bill 300, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 300.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. Senate Bill 300 is the Spousal Health Insurance Rights Act which allows the spouses of...if...employees in a divorce situation or a widowed situation to continue their group health insurance policy at the group rates, and I should make it very clear that the former...dependent spouse will pay the employee's share, the employer's share, plus we put into this legislation twenty percent for administrative costs. So the cost of this will be borne by the...the dependent spouse whose husband has died and she will be able to continue that group policy for herself and her dependent children or who has been subject to a...to a divorce, she will pay the cost...the proportional cost of the policy, the employee's share, the employer's share, plus twenty percent to the insurance company for administrative costs of the policy. I think it's very important that at a time...a very traumatic time where there's been a death or a divorce, the worst time possible for someone to have to make a choice about health insurance, to try and scurry around and get health insurance for herself and her dependents, a time when there are health problems, anxieties...I think public policy demands and other states have recognized that...that we allow that dependent spouse or that former dependent spouse, that

widow, to continue the group policy and...as long as she is willing to pay the premiums. She's already been part of the risk pool, and if she's willing to pay the premiums, she ought to be allowed to do so. I might add that other states have passed this legislation and in those other states that have passed this legislation, there has been no increase...there has been no increase in insurance rates as a result of this legislation, and that information has been garnered by the commissioners of insurance from the states where this bill passed. It seems like all...every time we try and do something for people around the State, we have someone getting up and saying, well, it's a great idea, it's a great policy but it's going to increase rates, it's going to increase this. The fact is, it's not going to increase rates, it hasn't increased rates anyplace else; and I think it's crucial that people who have already been part of the risk pool in a traumatic situation after death or divorced be allowed, if they're willing to pay the conversion rate, to pay the...continue to pay the premiums and an administrative cost of twenty percent, be allowed to continue that policy, and I would solicit your Aye vote for this very important piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schaffer.

SENATOR SCHAPFER:

Just some questions. What happens in a situation where the...the spouse no longer works for a company or quits within a few weeks and...and goes venesuellos?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

In that situation, there is no possibility of continued insurance and that is clear on page 7 of the bill, line 30, when coverage would terminate under the terms of the existing

policy. If that person has been fired, that conversion privilege does not exist for the...for the spouse.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Then...then all one needs to circumvent the law is to just shift from a regular salaried employee to a contractual employee, and...and then you've circumvented the law, right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

I guess it depends on what every policy demands.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

I, frankly, you know, have been down this particular road and I think this is something that ought to be part of a divorce decree. I think people get divorced, they ought to resolve this that way rather than bring the employer in. I had an individual when I was in private industry that worked for me who got married seven times in a two-year period, and I...and...I might add...ahead of several of us...and I might add, it was a lady and she always managed to find people that were bums, that never had jobs and they were always being brought into our group medical. We had a card file on her about two and a half inches thick. We finally said, would you mind stop getting married? I just, you know,...I just am not sure this is something that we ought to inflict on the business community. I think it ought to be subject to the litigation. I recall catching a little flack here awhile back for a bill that I thought did not affect general divorces; you'll recall it, I think we're trying to straighten it out, and the argument was that we circumvented the negotiation process. I can think of a situation in which

the one party in a divorce...may deserve nothing but a swift kick in the backside of either sex I might add, not special treatment on insurance, and I don't see any exemptions in this case. If someone is an absolute bad guy, they don't deserve to be on group medical, they don't deserve this automatically. This is something that ought to be done on a case-by-case basis, and I might add, that sword swings both ways. It isn't just for the female gender, it's for the male gender, because an awful a lot of people, males, are covered under their wives' group medical, and I think we ought to think long and hard about this one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LENKE:

I think the previous speaker has...talking about bringing people into the group, they can do that now by marrying bad guys. What this does is keeps the existing insurance on those people that have been insured by this company and have...have been there. We're not talking about bringing somebody new. We can talk about a lady that's been there for thirty years and her husband dies, and because she has breast cancer, she can't get insurance. She's cancelled out after thirty days. She can't get insurance or she gets an exclusion for cancer. That's what happens here. We're talking about allowing somebody to keep the same coverage they had before and by paying that cost. We're not asking for nothing for...something for nothing. We're also here taking care of the...those husbands that end up in a maintenance order to go out and buy an insurance policy. Why should those husbands have to go out and buy another insurance policy when they got one in their company and they're working for it? We're not talking about bringing in somebody that rate the bad experience; we're talking about people that are there, and...I'll tell you who we're talking about and where most divorces

occur, the middle-aged women because their husband runs off with a young girl and they're left hanging. And that's where the highest risk is in medical care. That's who we're talking about. This is a bill for...for...for the middle-aged woman that's...that's displaced because her husband decides to run off with a young woman or where her husband dies. We're taking care of these people. This is a good bill and I think it should be adopted and sent to the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Oh...oh. Let's...let's take them one at a time now. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I think that...that this bill has two problems that we ought to talk about. One is that group...the very nature of group insurance is to take a group of workers and insure them and that's how it all started. Then, that was expanded to cover the family of the workers. Now, little by little, this Legislature is trying to expand group insurance, and as you do that, you change the experience of the employer. One thing we did was to require that people who no longer work there have to be covered under...under the employer's policy. You'll find, contrary to what the sponsor says, that most of the people who stay insured under that plan are folks who probably can't get insurance anywhere else, and the bad experience shows up in the employer's cost in the following years. Now the humanitarian aspect is another thing, some of these folks probably can't get insurance. So I tend to think that what we did with terminated employees was probably the right thing to do. We allowed them to stay insured for awhile...for six months. Now this bill has no such limitation. This bill would include the spouses apparently forever, so that when the employee gets

married, he's married to the spouse for the period of time that the marriage lasts. The employer is going to be married to the spouse forever and that's...that's wrong we shouldn't do that. This bill goes too far in that direction and will increase the cost of employers because of the adverse selection that...that...will result from this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have the following Senators that seek recognition. Senator Nedza, Holmberg and Senator Netsch and Senator Rock. Senator Nedza.

SENATOR NEDZA:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR NEDZA:

Senator Marovitz, taking along the same line as Senator Schuneman's remarks, say there's a divorce decree, there's...they've entered into contractual thing or the court comes down, whatever. What happens when that spouse remarries, is it still reverted back to the former spouse or is that...does that conclude the contract or the agreement?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

In an attempt to try and mollify all the groups and compromise, when that spouse remarries her rights are terminated, totally terminated. So that situation which was talked about before, that's one of the...one of the...one of the provisions for termination, remarriage of the spouse or if she gets involved or he gets involved in another group situation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

One other question...there's dependent children. There's no age limitation on the...for what I can see in the bill. Dependent children, we normally refer to as those being eighteen years or younger. What about in a case of a student? Somebody that's pursuing a...a...a baccalaureate and yet still are considered dependent children. What happens to them?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

...in that case where the...where the...the child is a full-time student and...and progressing toward a bacclaureate degree, that would be twenty-one, which is...which is the law today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise in support of this bill. To me, this is a very, very important piece of legislation. So often when the spouse is deprived of health insurance, the only place that that particular person can turn is to the public aid rolls. It seems that if they're willing to cover their own insurance plus the added fee for the high risk, that this is one of the ways that we can continue to make people self-sufficient. You know, it's one thing to grieve over the loss of a husband either through death or to divorce..through divorce in particular, but it's nothing like the grief when you've lost your health insurance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is going to be a...a little heavy but I...I would like to use one example. This

is an example of why the suggestion that somehow this is going to cost more and have a negative financial impact on the insurance premiums and costs just simply does not work out, and this is an example that was prepared by someone who is the chairman of the Family Law Section of the Illinois State Bar and chairman of the Matrimonial Loss Section of the Chicago Bar...and this is how it would work. Let us assume that the client has a...a family coverage of five hundred dollar deductible which pays eighty percent of the next two thousand dollars and all costs after that. The premium charged for the employee, his spouse and dependent children is two hundred and twenty dollars per month. Under this proposal, after the divorce, the woman would have to pay a hundred and twenty-seven dollars for single coverage plus twenty percent which is what the bill provides for cost of administration or a total of a hundred and fifty-two dollars. The employee will continue to pay the two hundred and twenty dollars per month for coverage of himself and his dependent children, so that the insurance company will now be receiving a total of two hundred and twenty dollars plus a hundred and fifty-four dollars or three hundred and seventy-two dollars per month to cover the same people it was covering for two hundred and twenty dollars per month before the divorce. Now it seems to me that what this shows is, contrary to what some have suggested including some of those in the insurance industry, this bill will not increase costs. That is just kind of the mechanics of it, the dollars and cents of it. I think the importance of it is a matter of public policy which even Senator Schuneman acknowledged it goes beyond any question. These are people who are being, as Senator Holmberg just said, subjected to the most grievous of all calamities, the loss of health insurance through basically no fault of their own. We recognize that is a problem, we have started to address it in other contexts and it seems to me that it is

extremely important that we address it in this context also, and we can rest assured we will be doing it without driving the insurance companies or the employers out of business.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 300 as amended, and only wish to point out to the membership something of an inconsistency. Not an hour ago we very cavalierly spent an additional thirty-five...at least thirty-five million dollars in general revenue money on a bipartisan, apparently, basis because it passed with an overwhelming majority, because we were concerned about senior citizens and what the effect would be and we were concerned about local governments and what the effect on them would be, and here we have within 300 as amended, permission for the extension of health and accident insurance coverage to an employee's former dependent spouse and kids. Probably the worst financial and emotional time in a person's life is when they're met with death or divorce of a spouse, and we are saying to...the dependent spouse, here, we'll give you thirty days and you can opt in and you can pay not only what it cost the employee, you...pay the employer's cost, and in addition to that you're going to be charged up to twenty percent of administrative costs. So all the crocodile tears of the employer community, I suggest, are in vain, it just simply is not going to happen. Senate Bill 300, I suggest, is a very fair and a very equitable proposal in favor of particularly displaced homemakers. It's just an option, they don't have to take it, but I think as a matter of policy we ought to make it available. I urge an Aye vote for Senate Bill 300.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no further discussion, Senator Marovitz may

close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Well, it's very...it's...it's fine to talk about putting something in a divorce decree; but if you can't get the insurance anyway, what's the difference if it's in the decree or not. And in a situation where the former dependent spouse remarries or that widow remarries, that terminates her ability to get the conversion policy; and if she can't get the conversion policy and she's...and she's sick or she's infirmed or she hasn't got the money, then she's going to be on Medicaid or Medicare, and we're going to pay for it one way or the other. Why not give her or him the opportunity to pay for it themselves...pay for it, pay the employer's part, pay the employee's share plus twenty percent instead of having the State pay for it altogether? And...as far as the group experience goes, if...if...if this type of insurance is available, the pool will be greater and the premiums will be reduced rather than increased. There was some talk about...a bill...Representative...Senator Schuneman mentioned about a bill to continue after employment, that's for six months only. I've tried to negotiate with the employers and the insurance companies on this bill, told them I was willing to do things, that's why we said if...if...if there's a remarriage situation, the rights terminate. And I was willing to negotiate other things. They were not willing to negotiate anything at all, just said, we have to oppose the bill period...period. I think this is an important bill. I think it makes a statement about policy, and I would solicit your Aye vote.

PRESIDENT:

The question is, shall Senate Bill 300 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 50 Ayes, 8 Nays, none voting Present. Senate Bill 300 having received the required constitutional majority is declared passed. The hour of six has arrived, we have a couple of special requests that I would like to deal with. We have a couple of resolutions. Senator Davidson has a House bill that the Governor is requesting we place on his desk. With leave of the Body, we will turn to page 32 on the Calendar, Mr. Secretary, and move to the Order of House Bills 3rd Reading. There will be a roll call on this, ladies and gentlemen, so don't vacate the premises yet. On the Order of House Bills 3rd Reading, page 32 on the Calendar, is House Bill 116. On the Order of House Bills 3rd Reading, House Bill 116. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 116.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, does exactly what the Calendar says it does. It would make the fourth week of May the Illinois National Retired Teachers' Week. I'd appreciate a favorable vote.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 116 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 59 Ayes, no Nays, none voting Present. House Bill 116 having received the required constitutional majority is declared passed. All right. Resolutions.

SECRETARY:

Senate...Senate Resolution 255 offered by Senators Barkhausen and Geo-Karis, it's congratulatory.

Senate Resolution 256, by Senators Watson and Demuzio, and it's congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

And Senate Resolution 257 offered by Senators DeAngelis, Mahar, Kelly and Dawson.

PRESIDENT:

Executive Committee. All right...all right. Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

I'd like to have leave to go to Order of Secretary's Desk Resolutions, Senate Resolution 98 which urges the Government of South...Socialist Republic of Vietnam to account for American servicemen.

PRESIDENT:

All right. The gentleman has requested leave to go to page 37 on the Calendar for the purpose of taking up on the Secretary's Desk Senate Resolution 98. With leave of the Body, we'll move to page 37 on the Calendar, on the Order of Secretary's Desk Resolutions, Senate Resolution 98. Mr. Secretary.

SECRETARY:

Senate Resolution 98, there's no amendments.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this resolution does is urges the Government of Socialist Republic of Vietnam to account for the American servicemen and civilians still being held in Southeast Asia. I think it's appropriate right before Memorial Day we pass

this so we can get it on its way to the proper people. I ask for a favorable vote.

PRESIDENT:

All right. The question is the adoption of Senate Resolution 98. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Further resolutions, Mr...Senator Lenke.

SENATOR LEMKE:

Leave to have the entire Senate sponsor the...

PRESIDENT:

Without objection, leave is granted for...show all members as cosponsors. Leave is granted. Further resolutions, Mr. Secretary?

SECRETARY:

...Senate Resolution 258 offered by Senators Luft, Rock and all Senators, and it's congratulatory.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd hope we can have the attention of the Body because this is kind of a special resolution.

PRESIDENT:

Just settle down for a few minutes. We'll be out of here in five minutes.

SENATOR LUFT:

The resolution reads as follows.

(Senator Luft reads SR 258)

PRESIDENT:

Congratulations, Senator Welch. All right. Senator Luft has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 258. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Luft now

moves the adoption of Senate Resolution 258. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Any further business or announcements? Senator Collins.

SENATOR COLLINS:

Yes, I would like leave to add as hyphenated cosponsors to the following bills the names Chew, Hall, Newhouse, Smith and Jones. The...the bills are Senate Bill 1402, 1404, 1405, 1406, 1408, 1410, 1411, 1458 and 1460.

PRESIDENT:

All right. The lady...lady seeks leave to add Senators Chew, Hall, Newhouse, Smith and Jones as cosponsors of Senate Bills 1402, 04, 05, 06, 08, 1410, 1411, 1458 and 1460. Without objection, leave is granted. Ten o'clock tomorrow morning, ladies and gentlemen, we will start again with recalls 2nd reading and proceed on the Calendar where we left off. Ten o'clock tomorrow morning. Without...no further announcements, Senator Nedza moves the Senate stand adjourned until ten o'clock tomorrow morning. Ten o'clock on Wednesday.