

84TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 20, 1986

PRESIDENT:

The hour of ten having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend W. P. Witkop, Faith Lutheran Church, Springfield, Illinois. Reverend.

REVEREND W. P. WITKOP:

(Prayer given by Reverend Witkop)

PRESIDENT:

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

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I move that the reading and approval of the Journals of Tuesday, June 17th; Wednesday, June 18th and Thursday, June 19th, in the year 1986, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

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, together with House amendments:

- Senate Bill 415 with House Amendment 1.
- Senate Bill 1063 with House Amendment 3.
- ...Bill...1552 with House Amendment 1.
- Senate Bill 1837 with House Amendment 1.
- Senate Bill 1993 with House Amendment 1.
- Senate Bill 2035 with House Amendment 1.

Senate Bill 2173 with House Amendment 1.

Senate Bill 2197 with House Amendment 2.

Senate Bill 2288 with House Amendment 1.

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

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

House Joint Resolutions 219, 220, 221 and 222, all of which are congratulatory except for one which is a death resolution.

PRESIDENT:

Consent Calendar. If I can have your attention, the order of business will be as follows. We'll move to House bills 2nd reading and those who have substantive bills that they wish moved, today is the day. Then there has been a recall list already prepared. We'll go to the Order of Recalls and the Secretary informs me that additional amendments are being filed. So, we'll handle the recalls and if we have time enough, we'll do some of the appropriations that appear to be without contention. They appear to be agreed amendments. We will...Senator Marovitz, page 10...if you'll turn to page 10 on the Calendar. Page 10, middle of the page, on the Order of House Bills 2nd Reading. I hope I needn't remind everybody that Monday is the deadline for House bills on 3rd reading, non appropriation House bills on 3rd reading. So, when we adjourn today, we will come back Monday at the hour of noon and begin on the Order of 3rd Reading. 2254. On the Order of House Bills 2nd Reading, Mr. Secretary, is House Bill 2254. Read the bill, please.

SECRETARY:

House Bill 2254.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Are there amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz on Amendment No. 1.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Excuse me. Amendment No. 1 to House Bill 2254 makes three changes in the area of child support that we have worked on with the Department of Public Aid and which have been approved by the department. First of all, the amendment authorizes the Department of Public Aid to establish by rule a child support amnesty program for responsible relatives who owe child support. This has nothing to do with forgiveness of dollars. It has to do with criminal prosecution. The program would allow IDPA to suspend specific enforcement actions and will provide actions which must be taken by responsible relatives to avoid future enforcement actions. The program has been tried in other states, California and Maryland most notably, and has worked very well there. It also clarifies the attorney fee section in Chapter 40 providing that prospective attorney fees where one party lacks sufficient financial resources in post-decree matters and gives the court discretion to award attorney's fees and child support enforcement actions brought by the Department of Public Aid. It repeals language which mandated circuit courts to collect a thirty-six dollar fee from the obligor for the collection and distribution of child support. The circuit courts throughout the State asked for this. It doesn't affect Cook County but the other circuit courts did not want this mandate and so we took this out of the bill. I would ask for the adoption of Amendment No. 1 to House Bill 2254...Amendment No. 2, excuse me...Amendment No. 1...1.

PRESIDENT:

All right, Senator Marovitz has moved the adoption of Amendment No. 1, Mr. Secretary, to House Bill 2254. Is there any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Senator, did you tell me that...that this repeals the thirty-six dollar fee that the clerks can collect outside of the...the County of Cook?

SENATOR MAROVITZ:

It repeals the language which mandated circuit courts to collect a thirty-six dollar fee from the obligor. The circuit court clerks did not want this limitation. The limitation, therefore, will only hold to Cook County. This is at the request of the circuit courts throughout the State of Illinois. Their feeling is they weren't getting the money anyway and they want the leeway to charge whatever is necessary and for the money to come directly back to them. This is at their request.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Senator, are you aware that I have a bill on the floor that the Association of County Clerks brought to me that asks for language that said that they...that they may charge up to thirty-six dollars and that the judges will be mandated if the county boards pass a resolution saying in effect that they are to collect fifteen dollars, thirty dollars, thirty...up to thirty-six dollars...that the judges are mandated then to put that into the order and that's what the

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clerks asked me to do?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I'm not aware of what the clerks asked you to do. All I can tell you is that I was contacted by them, they asked us to put this in this legislation; obviously, it wasn't in there before and I'm sure after we adopt this we will...we can make a phone call and find out which they prefer...which they want. This is what I was asked to do. I'm following their instructions. I'll make the commitment to you that if this is not what they want, I'll take this out of the bill.

PRESIDENT:

Further discussion? Is there any further discussion? If not, Senator Marovitz has moved the adoption of Amendment No. 1 to House Bill 2254. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2486. On the Order of House Bills 2nd Reading is House Bill 2486, Mr. Secretary.

SECRETARY:

House Bill 2486.

(Secretary reads title of bill)

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

PRESIDENT:

Senator Weaver on Committee Amendment No. 1.

SECRETARY:

Senator Weaver, I could...I could read a portion. Upon application the board shall issue a license to the Illinois Department of Agriculture for the conduct...

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PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

That adds in the DuQuoin Authority to the bill and I'd move adoption.

PRESIDENT:

All right, Senator Weaver has moved the adoption of Amendment No. 1 to House Bill 2486. 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 committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. Senator D'Arco on 2630. On the Order of House Bills 2nd Reading is House Bill 2630. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2630.

(Secretary reads title of bill)

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

PRESIDENT:

Senator D'Arco on Committee Amendment No. 1.

SENATOR D'ARCO:

Thank you, Mr. President. This increases the tax multiplier for the Chicago Park District to 2.0. That is over a period of time from 1986 through 1991. It really is much less than the other municipal systems of Chicago and Cook County and the sanitary district, and there is no opposition to the amendment and I move to adopt Amendment No. 1.

PRESIDENT:

Senator D'Arco has moved the adoption of Committee Amendment No. 1 to House Bill 2630. Any discussion? Senator Watson.

SENATOR WATSON:

Thank you. I...I was under the impression that we were not in the business of establishing multipliers. I thought that the Department of Revenue did that. Can I ask a question as to how we can get involved in this process?

PRESIDENT:

Sponsor indicates he'll yield. Senator D'Arco.

SENATOR D'ARCO:

The multiplier is already in place. You know, it...it's just a question if increasing the...it's a question if increasing the multiplier according to a schedule. You know, we...we do it all the time.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

I was under the impression he said was increasing the multiplier which is established by the Department of Revenue based on assessed valuation of various counties. It may be different in Cook County but in our area it changes from year to year, and it's trying to equalize assessed valuation throughout the State, and I don't know how we can stand on the Floor here and all of a sudden decide that we're going to increase a multiplier to a...a level of two for Cook County and park district...and just simply the park districts. I don't understand this.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Yeah, this isn't the real estate tax multiplier, this is the multiplier for employee contributions...

PRESIDENT:

Under the pension system.

SENATOR D'ARCO:

...so it's a...in the pension system. It's a different multiplier. And actually, I made a mistake, it's not increased to 2.0, it's being increased to 1.6 in 1991.

PRESIDENT:

Further discussion? Senator Keats.

SENATOR KEATS:

When you explained it was a pension, I was about to ask how this was germane to a pension bill, it sounded like a multiplier bill, but one quick question on it, is it funded? Are we just increasing...is this a funded pension increase or is this an unfunded pension increase?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

You know, we're...we're not increasing the...the pensions. We're not allocating an increase for some aspect of the pension system. All we're doing is scheduling an increase in the tax multiplier for the system. So, I mean, if you're asking, does it have an effect on the unfunded liability of the system, it...it has a very negligible affect. I don't think it would increase that aspect of the system that much.

PRESIDENT:

Further discussion? Any further discussion? If not, Senator D'Arco has moved the adoption of Committee Amendment No. 1 to House Bill 2630. Senator Keats.

SENATOR KEATS:

Negligible or not, that does sound like a...a tax increase without a referendum. Maybe I'm misunderstanding 'cause I...we don't really have copies of this but it does sound like a tax increase without a referendum even if it's a

small tax increase without a referendum. I'm...I mean, that's what we're trying to get at.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

This...this bill will, in effect, by raising X amount of dollars actually have a positive impact on the unfunded liability of the system. It will actually decrease the unfunded liability of the system because it's going to raise...it's going to raise maybe four...four or five million dollars. The original bill was raising it to two, this is lowered to 1.6, so it will actually decrease the unfunded liability of the system.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Mr. President and members of the Senate, the increase in the tax multiplier would just be for the purpose of eliminating the employer deficiency contribution, and it just brings it up into level with par with the municipal employees' contribution. It's just saying, for ten years the park district had not increased their multiplier, the other pension systems have gone up and it's causing a deficit in the employer contribution portion and...they're just trying to raise it to make it equal with the municipal funds...municipal...Chicago Municipal Employees' Fund and make it at the same level as their tax multiplier.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

See the...Senator, the other...the other system...you take the municipal system, the multiplier is 1.69 for Chicago municipal employees. For sanitary district employees the multiplier is 2.34. So, this multiplier being 1.60 and that's

after a schedule...in 1991. So, it's really a very modest increase in the multiplier. Right now, it's 1.10 and it'll go to 1.60 in '91, so it's a...the other systems are higher than this system will be in '91.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

I...I don't have philosophic disagreements on that side of it, it doesn't sound unreasonable, but it does appear to be a nonreferendum tax increase. That's all we're trying to get at. Is that a yes or no? Is that a nonreferendum tax increase...which is what it appears to all of us and what the language says.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Well, I thought...yesterday, Pate Philip put a nonreferendum tax increase for the library board. So, what...you know...and...and this is such a modest increase it's...it's negligible.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

I'd just like to remind Senator Keats that we have never had a referendum on a tax multiplier for a pension system. Never, since I've been here twenty years.

PRESIDENT:

Senator Keats. All right. Any further discussion? If not, Senator D'Arco has moved the adoption of Committee Amendment No. 1 to House Bill 2630. All in favor of the adoption of the amendment indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Are there amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senators Jones, Chew, Collins, Newhouse, Hall and Smith.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the this...of the Senate. Amendment No. 2 to Senate Bill 2630 is the South Africa divestment amendment. Amendment No. 2 prohibits any financial system or pension...fiduciary from investing in any firm or financial institution which has a ownership, interest or outstanding loans to the Republic of South Africa, a South African corporation or any company for the purpose of investing in South Africa. It deems divestments not to be...of fiduciary duty as relate to the trustees. The purpose of this amendment is to prohibit any Illinois tax dollars from...MR. President, it's very difficult to hear.

PRESIDENT:

Your point is well-taken. Ladies and gentlemen, we ask that we take the staff conferences off the Floor. We are on an amendment. Amendment No. 2 to House Bill 2630, Senator Jones.

SENATOR JONES:

This amendment will prohibit any Illinois tax dollars from being invested in firms or corporations owned by the Republic of South Africa to support the only country on the face of this earth that practices racial discrimination and racial hatred. This amendment will...will require that all funds currently invested in South Africa to be...divested within a three-year period and those funds can be invested in the Illinois market and...and stimulate the economy in Illi-

nois. It will also...it will also amend the Trustee Act and...and wherein the trustees if they so desire to divest, they will...it would be a breach of their fiduciary duty to take the funds out of South Africa. As it stands right now, if they were to do that, there would be a breach of their...of their...the fiduciary duty and they could be held accountable as such; but we, in Illinois, should not be taking our tax dollars, sending them over to South Africa and have those same dollars being used to oppress people. So,...and if we are for what we say we are, if we are for the Illinois Constitution, then you will vote for this amendment because this amendment is in the spirit of the Land of Lincoln, the State of Illinois and I ask for a Yea vote.

PRESIDENT:

All right, Senator Jones has moved the adoption of Amendment No. 2 to House Bill 2630. Discussion? Senator Keats.

SENATOR KEATS:

A question or two of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Keats.

SENATOR KEATS:

First, does this amendment apply from the effective date of the bill forward or does have a retroactive... 'cause we don't have a copy of the amendment. It is retroactive or does it apply from effective date forward?

PRESIDENT:

Senator Jones.

SENATOR JONES:

It is retroactive in the sense that all firms that are currently invested in...in South Africa must be taken out with...over a three-year period.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Okay, so it is retroactive. My...my...my second question would be directed to the specific sponsor of the bill. Would he be willing to hold this bill on 2nd reading so that we might draft an amendment that would set...that we would disinvest from all countries that are violating human rights of that comparable standards which would then make it very reasonable. This amendment would be quite reasonable if we had amendments that said every country that violates human rights at these standards, we would not trade with them and we would not have these investments in those countries. In that case, this would be a very reasonable amendment and I would gladly support it.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Senator Keats, there is only one country on the face of this earth that practices racial...discrimination by its government...by the government of that country and that country is the Republic of South Africa.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Wait a minute. Have you been to the Chicago City Council? What do you mean there's only one governmental body that practices racial discrimination? Just come to the Chicago City Council and try and tell me that that's fair and equal opportunity for all.

PRESIDENT:

Further discussion? Senator Rupp.

SENATOR RUPP:

...thank...thank you, Mr. President. One...would like to ask the sponsor a... question to clear up. Senator Jones, you came to me and said what you were going to do was to have the amendment so written and so prepared that it would start from

today forward, that there would not...that's what you told me...don't shake your head no, that's what you did and that's when I told you that that was a good, reasonable, satisfactory approach to it. We...we talked about it. Now does this go back and say that we have to immediately or is it in any investment that we make and our pension funds make from today forward?

PRESIDENT:

Senator Jones.

SENATOR JONES:

The...the amendment state that any funds that are currently invested in firms doing business in South Africa, that those firms must divest that...those investments over a three-year period and any future funds cannot be invested in...in funds or...or in corporations or...in corporations owned by the Republic of South Africa or any financial institution in this State or across this country that has an interest in South Africa.

PRESIDENT:

If I can have your attention, UPI has requested permission to take some photographs. Without objection, leave is granted. Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. May I ask that the sponsor take the bill out of the record or this amendment out so that we...we do not have a copy of it, so we can look and see what...what the reading...the actual wording is? It's contrary to what we were told and so I would like a chance to...to read it. I would like to have the...the bill held up for a few minutes so we can look at it.

PRESIDENT:

All right, that request is in order. Make sure, Mr. Secretary or sponsor, that copies are distributed. We will...with leave of the Body, take it out of the record and

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leave it right where it is and we will get back to it when copies have been distributed. All right, with leave of the Body, we'll move on and we will get back to Amendment No. 2 to 2630. For the moment, take it...yeah, with leave of the Body, we'll just leave...leave it as is and we will move on with the understanding that we will get back to it. 2738, Senator Marovitz. On the Order of House Bills 2nd Reading, House Bill 2738. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2738.

(Secretary reads title of bill)

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

PRESIDENT:

Senator Marovitz on Committee Amendment No. 1.

SENATOR MAROVITZ:

Committee Amendment No. 1 to House Bill 2738 is the agreed amendment between...on the DUI clean-up bill. It's...been prepared by the Secretary of State's Office and corrects technical inconsistencies that occurred in the bill as we originally passed it. One of the most important provisions would allow the Secretary of State to issue the judicial driving permits as of January 1st, 1987, and I would ask for adoption of this agreed amendment.

PRESIDENT:

Senator Marovitz has moved the adoption of Committee Amendment No. 1 to House Bill 2738. Discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I just want to ask the sponsor a question.

PRESIDENT:

Sponsor indicates he'll yield, Senator Kelly.

SENATOR KELLY:

...Senator Marovitz, can you tell me...is this the amended version that will take out the law that I had sponsored last year concerning...in the area of DUI's where the information is given on the DUI's to the court and to the police departments? Before...this was passed a...the information could only be obtained from a hospital if there was an order from the court, and I had brought up a personal instance where an individual and his wife, who were very close friends of mine, were killed in an automobile accident by some young people that were...had drugs and were drinking, and it...it turned out, to make a long story short, that they only received a hundred dollar fine and they didn't even get a punch on their ticket or anything else, and the reason was they couldn't get this information or the information wasn't provided to the court. So, we passed a bill last year to do something about that. Is this...is this eliminating that provision?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Yes. In answer to my colleague's question, the provision that we passed last year which was, in fact, as Senator Kelly has explained it was not interpreted that way by the courts and by the Secretary of State's Office and it was being misinterpreted. So, that provision was taken out and I have a representative here from the Secretary of State's Office. This bill is going to...is going to be worked on further over the weekend and we will put that provision back in correctly so that it can't be subject to misinterpretation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Okay, then what you're saying that if six months or a year from now or at least after the Governor would sign new

legislation, if someone had caused an accident and were under the influence and they were rushed to a hospital, which is number one to save their life and life safety, would that information then be sent to...what the amendments...whatever you're going to do to change this, would it be then available to the courts and to the prosecuting state's attorney or whomever else might want the information?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

It will be after we put the corrective language in over the weekend.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Marovitz moves the adoption of Amendment No. 1 to House Bill...2738. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the...Senate. Amendment No. 2...corrects a...a...problem that was brought to our attention by members of the bar in...in terms of the judicial driving permit which will take effect on January 1st. This would correct the problem in the...in the interim that was brought to their attention so that during the waiting period there would not be a problem

with the issuance of the judicial driving permit, and I would ask for adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there...further discussion? If not, Senator Marovitz moves the adoption of Amendment No. 2 to House Bill 2738. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2785, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2785.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 1 to House Bill 2785...I think it should read, Mr. Secretary. Amendment No. 1 to House Bill 2785 incorporates the speedy trial provisions into the Juvenile Court Act, makes the effective date of the hundred and twenty day...adjudicatory provision January 1 of 1938, to give the...the applicable bodies time to gear up for this; makes the effective date of the service of summons immediate and represents an agreement between the children's advocates and Cook County State's Attorney's Office to allow time for

the backlog in juvenile court to be put back into place and the procedures which facilitate compliance within the law to gear up. This is an agreed amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Marovitz moves the adoption of Amendment No. 1 to House Bill 2785. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Once a juvenile is ordered into sheltered care, it can be months or even years before a...a child's permanent status is adjudicated by the court. Instead of a...a commitment for such a period...a prolonged period to public or private institutional care, Amendment No. 2 would allow that the child be kept in the care of a relative or guardian if the court finds it appropriate and preferable while adjudication of the charges are still pending. It would give standing solely to a person not accused of neglect or abuse to seek such action by the court and I would ask for adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Marovitz moves the adoption of Amendment No. 2 to House Bill 2785. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 3074, Senator Joyce. House Bill

3200, Senator Maitland. House Bill 3632, Senator Rock. We have gone through House bills 2nd reading...we have gone through House bills 2nd reading. We will now return back to House Bill 2630. The amendments have been distributed, hopefully, have been digested. Senator D'Arco. Senator Rock, it's...I've been informed that the amendment has not been received by many of the members yet. Senator Rock.

SENATOR ROCK:

Yes, I...I'm sorry, I was unaware of that. We had copies over here. Why don't...why don't we go to the Order of Recalls and...and whence the amendments...we'll get back to it, I assure you before...close our business today. Let's go to recalls.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of Recalls we have House Bill 913, Senator Barkhausen. He wishes House Bill 913 brought back to the Order of 2nd Reading for purposes of amendment. Is leave granted? Hearing no objection, leave is granted. On the Order of House Bills 2nd Reading, House Bill 913, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment No. 4 is doing a few different things. For one thing, it...it knocks out the basic bill that we originally considered in committee and the reason for that is twofold. One is that Senator Sangmeister's bill, Senate Bill 522, which had...originally seemed to have been buried in a House committee has been resurrected and I'm now told that it's on 3rd reading and is going to pass, so in that sense, the original bill is somewhat duplicative. At the same time, there is some concern coming from

both...strangely enough, both from some state's attorneys and also from...some public defenders and the State Appellate Defender are concerned that what we...originally proposing to do with this bill is...is too novel and has unpredictable consequences. We were proposing to do away with the...the existing crime of voluntary manslaughter and instead create a first degree and second degree murder and with appropriate direction as to how the burden of proof was to be imposed. In addition to that, we are adding two provisions, one to the nonprobational offense section of the Criminal Code and the other to the extended term...provision of the sentencing section of the Criminal Code to...to be directed towards drunk driving offenses where more than one individual is killed...where there is a conviction for killing more than one individual in a...in a reckless homicide case, those crimes would be or could be nonprobational, and also under the extended term provisions of the Criminal Code where a...a defendant is convicted of killing more than one individual in a drunk driving incident, the court would have the discretion to impose an extended term up to five to ten years. In other respects, the bill is the same as it was at the time it was...after it was amended yesterday. I'd be happy to answer any questions and would otherwise urge the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, could we have some order, please. Senator Keats, can we break up the caucus. All right, Senator Barkhausen has moved the adoption of Amendment 4. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Senator Barkhausen, let me see if I can get this right 'cause you're...you've...you have stricken much of the language that was in the bill and added an amendment. Is this the amendment dealing with...involuntary homicide and reck-

less homicide?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The...provisions of the amendment that are directed towards reckless homicide, voluntary manslaughter and involuntary manslaughter are found on page 9 of the amendment and again on pages 12 and 13, again having to do with...with making this category of crimes fall into the category of nonprobational offenses and on pages 12 and 13 eligible for extended term sentences.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I...I'm not sure that we're talking about the same amendment. Before we address it, I want to...and I think the members ought to be apprised of that. The amendment that I'm...that I'm looking at is a three-page amendment with the change on page...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right,..Senator Marovitz...

SENATOR MAROVITZ:

...3. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Marovitz, hold on. Ladies and gentlemen, we can move with a great deal of dispatch this morning and complete our business in a prompt manner if we have some attention. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President...I'm looking at a three-page amendment, Senator, with...with the corrections...the...the new language on page 3. Is that the amendment we're addressing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, the amendment I have is...is thirteen pages and I think what has happened is that the amendment you are looking at was an amendment that had originally been filed and was then withdrawn, and the thirteen-page amendment incorporates two separate amendments that were shorter in length, I think the three-page amendment you're referring to and perhaps one other. One of those...one of those...three-page or shorter amendments had to do with nonprobational offense and the other one had to do with extended term sentencing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

...I would...I would request that the sponsor temporarily take this bill out of the record so that this amendment can be distributed. It is a very, very, very important subject matter, somewhat controversial. I think the members ought to be apprised of that. I think the amendment ought to be distributed, just as the previous one at Senator Rupp's request, and I know that none of our members have seen it and are requesting...are asking questions about it. Could we take this bill out of the record with leave to get...to get back to it today?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Barkhausen. Senator Barkhausen is indicating...affirmative. Senator Marovitz, there's no guarantee we'll get back to it today. With leave of the Body, we will attempt to get back to it today. All right? All right, leave is granted. Recalls is 1477. Senator Marovitz seeks leave of the Body to return...Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Yeah, thank you, Mr. President and Ladies and Gentlemen of the Senate. I...I've noticed that we've skipped over House Bill 3632 again. There are some Republican amendments filed and I'm wondering if the sponsor of that bill is going to let us hear those amendments.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well, Senator Philip, it's...we're not skipping over anything. We are on the recall list. We're going right down the line and 3632 is not on the recall list. Apparently, there must be a second list that I guess has been...oh, Senator Philip.

SENATOR PHILIP:

Yeah, we skipped it on 2nd reading, Mr. President. I'm just wondering if we're ever going to get to that bill or we're ever going to have a chance to put some reasonable amendments on it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well,...Senator Philip, why don't...you have a telephone, why don't you telephone over to the other side of the Rotunda there and perhaps we can find out. All right, on the Order of Recalls is House Bill 1477. Senator Marovitz seeks leave of the Body to return House Bill 1477 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 1477, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. Amendment No. 2 was requested by the Republicans. It changes the line item from one fifty to one hundred and twenty-five, and it's agreed, I understand. We've agreed to...to reduce the amount and I would ask for

adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Marovitz has moved the adoption of Amendment No. 2 to House Bill 1477. Is there discussion? If not, those in favor indicate 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. 2409, Senator Rock. 2574, Senator Poshard...wait a minute. I beg your pardon. Senator Rock on House Bill 2409. On the Order of Recalls, Senator Rock seeks leave of the Body to return House Bill 2409 to the Order of 2nd Reading of the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 2409, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Amendment No. 2 to House Bill 2409 has been worked on by the bar and modifies a problem that was brought about in Judiciary Committee which most of the members were concerned about. This new language further safeguards the rights of respondents to seek termination of exclusive possession orders granted in emergency and interim orders of protection by requiring the court to hear the request within fourteen days. In addition, the rights of the respondent are further protected by prohibiting the court from continuing such a hearing beyond the fourteenth day unless both parties agree. This is relative to exclusive possession of the marital home. I think it is exactly what the

HB 2409
Recalled

HB 2644
Recall
HB 2574
Recalled

committee asked for and I would ask for adoption of Amendment No. 2 to House Bill 2409.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Harovitz moves the adoption of Amendment No. 2 to House Bill 2409. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2644, Senator Lemke. On the Order of House Bills...on the recall sheet, we have 2574, Senator Poshard. You're the sponsor, Senator..do you wish to bring it back? Senator Poshard seeks leave of the Body to return House Bill 2574 back to the Order of 2nd Reading for purpose of amendment. Hearing no objection, leave is granted. Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 is almost identical to a...an amendment that we put on House Bill 3036 yesterday. There seems to be some doubt as to whether or not...the status of that particular piece of legislation; therefore, we wanted to put Amendment No. 1 on this bill. What this will do will make it clear that Section 28.1 of the Pollution Control Board will not affect or limit the authority of the board to adopt, to amend or repeal regulations specific to individual persons or geographic areas or sites pursuant to Sections 27 and 28 of the Act and restore the viability of the numerous requests for site specific relief, and that is relevant to a situation

In my legislative district with the Coffeen Coal Mine. I'd...I would move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Macdonald. Can we have a little order...we break up some of those conferences.

SENATOR MACDONALD:

Thank you, Mr. President. I just rise to strongly support the amendment. I am a hyphenated cosponsor of the amendment and I...I want it understood that this provision is a provision that went out of here on a bill that is being kept hostage, I guess, in the House. So, I strongly recommend...acceptance of this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio moves the adoption of Amendment No. 1 to House Bill 2574. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2644, Senator Lenke. Senator Lenke seeks leave of...of the Body to return House Bill 2644 to the Order of 2nd Reading for purpose of amendment. Is leave granted? Hearing no objection, leave is granted. Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senators Luft and Lenke.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke...or Senator Luft.

SENATOR LUFT:

...thank you, Mr. President. Could I ask the Secretary, please, since I...at one point had two amendments filed, that I make sure that I'm offering the right one, could you please read the number?

SECRETARY:

...SDS84H2644PAH3-PD.

SENATOR LUFT:

That's correct. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

This bill amends the...or the amendment, I'm sorry, amends the Emergency Medical Services System Act. As it is right now, the interpretation of the Act is that anyone driving or operating an advanced life support mobile intensive care system has to be or must be a paramedic, specifically on an ambulance. What we were trying to do with this amendment is to simply say that a nurse who is qualified and a doctor who is qualified can also be that and not necessarily anyone that is a just a paramedic. I would move for the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft has moved the adoption of Amendment No. 3 to House Bill 2644. Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

Amendment No. 4, by Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What I'm told by staff is we put Amendment No. 2 on which deals in infant mortality for the Department of Public Health that I have to Table amendment...I'd like to Table Amendment No. 2 and put this amendment on so it tracks with the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lemke having...having voted on the prevailing side moves to Table Amendment...

SENATOR LEMKE:

It deals with infant mortality, I believe.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Lemke having voted on the prevailing side moves to reconsider the vote by which Committee Amendment No. 2 was adopted. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered...the amendment is reconsidered. Senator Lemke now moves to now Table Committee Amendment No. 2. Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 2 is Tabled. Further amendments?

SECRETARY:

Amendment No. 4 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke.

SENATOR LEMKE:

What Amendment No. 4 does is the same as...Amendment No. 2 only it tracks in...it tracks in the bill. It's the same amendment Department of Public Health wanted and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke has moved the adoption of Amendment No. 4 to House Bill 2644. Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

3rd reading. 2917, Senator Netsch. On the Order of House Bills 3rd Reading is House Bill 2917. Senator...Netsch seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House

Bill 2917, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEHUZIO)

And hyphenated Netsch. Senator Netsch to explain the amendment.

SENATOR NETSCH:

Yeah, thank you, Mr. President. I...when...yesterday when I put the amendment on and I said that it conformed the bill to...Senate Bill 2042 as it passed the Senate, it did not in one respect not dealing with...or dealing rather with the subject of diabetes rather than arthritis. We have corrected it so that it does exactly track the language. That is what this amendment does and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Netsch moves adoption of Amendment No. 3 to House Bill 2917. Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEHUZIO)

3rd reading. 3036, Senator Welch. 3422, Senator Davidson. All right, on the...Senator Davidson seeks leave of the Body to return House Bill 3422 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3422, Mr. Secretary.

SECRETARY:

Amendment No...excuse me...Amendment No. 2 offered by Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

...thank you, Mr. President and Ladies and Gentlemen of the Senate. What this amendment does is to change in the School Aid Formula...it changes the maximum weighting under Chapter 1, formerly Title 1, from the present .625 level. It reduces that to the maximum of 6.0...or pardon me, .60 weighting. Now, the...the reason I'm introducing this amendment is in an effort to achieve greater equity in funding for our school districts around the State. School districts in...in my area, for example, have been negatively impacted by the workings of the School Aid Formula over the last...last several years, and the changing of the weighting...the Chapter 1 weighting would distribute some additional funds to those schools where the taxpayers have been contributing at very high levels, very high percentages and receiving relatively smaller monies back from the...from the State of Illinois. So, I would be very happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Etheredge has moved the adoption for...discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in obvious opposition to Amendment No. 2 and I would ask the gentleman to reconsider. My understanding is that the Governor has requested that a group be convened...that a group be convened for the purpose of discussion of possible formula changes in an attempt to be more equitable. This is hardly equity when you just literally lift six or seven million dollars out of the allotted share to the City of Chicago and I don't know where it goes, I suppose you just distribute it elsewhere, but this is hardly equitable. Formula changes are...have in the past been negotiated, the Governor has asked for the group to reconvene, as I understand it. I have asked Senator Berman to represent

this side and Senator Demuzio, and I think this is premature at best, and I would ask the gentleman to please withdraw it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, thank you, very much. I...I appreciate...the comments; however, I think that this is a suggestion that...that has some merit and I would...I would like for us to explore it. So, I...I am not willing to withdraw the amendment, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Collins.

SENATOR COLLINS:

Well, yes, thank you. I...I was going to just...echo Senator Rock's remarks...and before he asked to ask you if you would, you know, be willing to take this...amendment...out of the record at this time...this is a...a very serious issue and to ask...this Body to...to pass an amendment to just automatically take this money from the City of Chicago...you're not just talking about City of Chicago, we're talking about East St. Louis, but it is in violation of the regular intent of the Title 1 money in the first place. So, without carefully considering what you're doing and coming up with the formula, with input from everyone so that the...the burden will not be put on those people that can the least afford it and also that would violate the original intent of the money in the first place, I don't think we should do this right now and it's unfair to do this. So, I would suggest that you please take the...the amendment out of the record at this time and...and wait for the Governor's task force to take a...a better look at it and to give us an opportunity to sit down with you and have some input into...if, in fact, that you're trying to be fair about an equitable distribution of the funds. I have no objections

to being...any formula that's going to be fair, but at the same time, you can't take the money and use it for something that it was not originally intended for. For that reason, I...we should either defeat this amendment if he won't take it out of the record.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. Senator Etheredge, usually it's a very simple procedure for the State Board of Education to...in regard to any formula changes to put this in their computer and run out a profile sheet for each one of us on our districts and how this would affect the particular school districts within our political divisions. Could you hold this until we get that kind of information from the State Board of Education so we can make some sort of intelligent decision about this?

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Well, Senator, I...I have a copy of such a print out and it's being examined now and I certainly would be very happy to make this available to you, if you want to...if...if you would want to pursue it.

PRESIDENT:

Senator Poshard. Oh, I beg your pardon. Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I would...I would want to echo the sentiments of my colleague, Senator Collins. And I'd...I'd like to say for the Senator that...I...I...I know very well that your intent is not to pit the at-risk youth on the one hand from the gifted on the other, but I'm...I'm terribly afraid that that's the bind we might wind up in.

They're both very, very important to this Illinois Legislature and Illinois economy. The at-risk youth are so numerous nowadays that it...it just puts some of us in a terrible dilemma in trying to make a rational decision about where those dollars ought to be allocated. This is certainly not to negate the importance of what it is that you want to do...not at all, and I'm sure you understand that, but at the same time, it does put us in a terrible bind when we look at the loss of talent that is...that we currently face; and if we look at...from a marketing standpoint what the market is for education, which is the total brain power of a community, and we know we're losing forty, fifty, sixty percent of it on one end of the spectrum and then to speak about putting some dollars into, say, two five percent on the other end, it becomes a very difficult choice, which I'm sure you understand. I would hope that you would withhold the...for the moment until we have a chance to get some further information.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. Well, you know, here we go again. We had a specific request of the House sponsor and the Senate sponsor of this bill to put this bill out of Rules on an emergency basis specifically to take care of a problem in the Springfield district. Now, all of a sudden, here we are, we're talking about formula revisions at the same time that we don't even know what the funding levels are going to be and the discussions downstairs have yet to even begin. I think Senator Rock's suggestion is a good one, Senator Etheredge, that we take this thing out of the record, talk about it over this weekend, have our discussions with the...the Governor's Office in the summit on Monday, and then, perhaps, be in a better position to make a decision as

to what we're going to be able to do on Monday. As it is now, this thing has never been discussed with anyone, has not been before a committee. It just seems to me that we ought to save ourselves a lot of aggravation and a lot of hard feelings by proceeding with this amendment right now. It just seems to me that we ought to give it the weekend and you still have the opportunity to it on Monday.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm very disturbed by...not only this amendment but what I think it seems to indicate. Many of us that toil in the labors of the formula to try to do equity throughout the State have indicated that any major changes in the formula we're going to wait until next year in order to allow the State Board of Education, the Citizens' Council on School Problems, the...the Republican School Formula Caucus, the Governor's Office and others to be able to evaluate what ought to do...be done with the School Aid Formula in light of the sunset provision for next September of '87; and throughout our committee debates in this Session, Senator Maitland and I and the other members of the Education Committee have been very, very careful to beat back or keep in committee any types of major...and I would say even minor but meaningful changes in the School Aid Formula. Now here we are on June 20th with an amendment that is a major revision in the formula. This amendment takes six million dollars out of Chicago. It takes over a million dollars out of East St. Louis and the people that might be saying, yea, I can assure you don't have children in either of those school districts. I wouldn't allow, as chairman of that committee, if I have anything to say about it, an amendment to go through that committee that would have precipitously taken money away from

your school districts and I would expect the same courtesy back. I'm rather surprised at the...person that's sponsoring this amendment, a gentleman for whom I have great respect and usually is not one of the more partisan or one of the more geographically partisan people on this Floor; and I've got to say, Senator Etheredge, I think you've been sucked into a position that compromises your reputation in this area. There are people that I would expect to put this thing forward at this time, you're not one of them and you're being used, you're being used to get a roll call on crass political move so that some of our downstate legislators have to make the decision between what appears to be a politically wise move versus a legislatively and morally correct move. Legislatively and morally, a No vote should be given on this amendment. Some people from outside of East St. Louis and Chicago because of an election year can't take that position without substantially jeopardizing the political posture of their campaigns, and it's a shame...it's a shame, Senator Etheredge, that you're using the children of the two poor school districts, Chicago and East St. Louis, for crass political motives on this roll call. I thought that the Senate was above those kinds of actions, and you're allowing yourself to be used for just that purpose. I say to my colleagues, both...on both sides of the aisle, I ask you to...rise above politics. Some of you cannot, I understand, vote against this amendment, you may have a tough race, your press or public may not understand a No vote, but I've got to tell you that I think there are enough people on this floor that can do the proper thing, the moral thing, allow those people whether it be in the Governor's Office or the State Board or those of us that are going to be working intensely between now and next spring to try to do the right thing as far as the School Aid Formula is concerned. This is not the right thing. I urge a No vote.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

END OF REEL

REEL #2

SENATOR MAITLAND:

Thank you, very much, Mr...President and my colleagues in the Senate. This...this is a difficult amendment for a lot of us to support. I supported very strongly...very strongly the initiative suggested by the Governor last fall that directed an additional fifty million dollars to the City of Chicago in settlement of that strike that was absolutely needed. It was an innovative way in order to pump money into the Chicago school district into a new fiscal year under our current fiscal year in State Government and it appeared to be a very good program. We suffered downstate a lot of criticism because of that and it was criticism that was not justified, and we explained to our constituents what we did and that downstate schools were not going to lose any money, that's the point we made. No one denies that School District 299 doesn't need their money and somehow we're going to come up with that fifty million dollars to make that happen, have to do it or school won't open this fall. But let me also tell you, my colleagues in the Senate, that two-thirds of those kids live elsewhere and we have to worry about them also. And, Senator Berman, let me tell you something whether you know it or not or whether you're...ready to recognize it or not, we have some rural school districts that are hurting badly and those kids also are being denied access to State dollars and those are my constituents and I'm concerned about them. Somehow we've got to find the money. Now we have dedicated ourselves to the proposition that the reform package is going to be fully funded this year and that still resides in that bill. And let me say to you, my friends from Chicago, you do very well in that reform package in a number

of those areas, extremely well, and you should and you will. This is not final passage, we have several days here yet. This is the only way we can say we have to find that money that was supposed to be in the formula that is not there that will benefit our school districts also. We're with you, not against you. So help us as we go into this negotiation, give us the tool to deal with the issue and this is but one attempt, and I urge support of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I apologize for rising a second time but let me just suggest that we may well, Senator Etheredge, want to consider taking this out of the record and dealing with it on Monday. I'm not so sure the numbers are going to be any different on Monday but at least people will have had the opportunity to examine the printout and to...if you will, examine their conscience. We had a lengthy discussion about the formula in the Rules Committee and it was frankly determined that both Senators Maitland and Berman would have vehicles available to them because...both are considered by this Body with justification, as being fair individuals to deal with the formula question. To all of sudden take a bill which was requested to come out of the Rules Committee because it dealt with a single school district and a problem that that district had and now utilize it for a major formula change simply is not kosher. And if we're to throw the gauntlet down, I'll consider it thrown down and we'll have one heck of a week next week. In the meantime, I think we could all be better served if this were taken out of the record with the full understanding that if you wish to pursue it, we can pursue it on Monday, 'cause we're just going to tie things up here pretty badly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Do I have the assurance of the President of the Senate that we will have the opportunity to debate this matter fully on Monday and then to vote, because I...I think it is a good proposal. I have been...it has been...I've been accused of being insensitive to the needs of the...of those students who have fewer advantages than others. I think my...record demonstrates the opposite; in fact, I represent large numbers of disadvantaged students and also rural districts as well. And I think I am very familiar with the problems that are inherent in the present School Aid Formula, and I am prepared to...to do what is in my power to see that there is a more equitable distribution of the State aid dollars than...than currently exists. I think it's important for us to...to pursue this matter. There have been some who have said that...that this is a new idea, they haven't had the opportunity to view it...to see it before. I would suggest that this amendment has been floating around all week. I would also suggest that the computer printout that shows the impact that this amendment has has also been available to staff on both sides of the aisle so that...quite frankly, I don't know why we can't...are not in the position to pursue it today. But I...with your assurances, Mr. President, that we will have the opportunity to discuss fully this matter on Monday and with the further assurance that we can continue the progress of this House Bill 3422 that it...it...whether this amendment goes on or not on Monday, then I will withdraw it at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you and you do have that assurance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, take it out of the record...Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. A question of the Chair. Now, Monday is the deadline day, so will...this will be on 2nd reading. Will we have the opportunity to...

PRESIDING OFFICER: (SENATOR DEMUZIO)

It's...we've taken it out the record, that means it goes back to 3rd reading. It...3rd reading...that's...all right, well, it's taken out of the record. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, just a parliamentary question, Mr. President. It is our current rule, I believe, that if a bill is amended, it cannot be voted upon on that same day on 3rd reading and...and what are we...not only on this bill but other bills that I think are going to be in the same posture, how are we going to handle that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, I think our rules are explicit that we, in fact, can amend a bill that's on 3rd reading, bring it back, have intervening business and then proceed.

SENATOR SCHUNEMAN:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay, we've got that handled. All right. House Bill...recalls, 3503, Senator Holmberg. Senator Holmberg seeks leave of the Body to return House Bill 3503 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 3503.

SECRETARY:

(Machine cutoff)...No. 1 offered by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this amendment to House Bill 3505 is an opportunity for those employers...major employers who would be impacted by the double weighting sales tax on their income tax that we passed out of here last...earlier this week. What this would amount to, it does not hurt anyone...does not hurt anyone who would benefit under House Bill 2819. What it would do, is those employers in the State...those major employers who have five thousand employees or more would have an option to minimize their income tax liability by having the option of either using the present law or the option which was given under 2819. And it affects several major employers in the State of Illinois, the figure five thousand was arbitrary, I just picked it out. The Department of Revenue says there's about...I think two hundred plus companies that do have that, that's including those which are not-for-profit hospitals and et cetera, which don't pay any tax, they were unable to break it out into a more finite detail. I'd move the adoption of Amendment No. 1 to House Bill 3503.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson has moved the adoption of Amendment No. 1. Discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

Well, looks like here we go again doing something with our Tax Code. Now, apparently, the last action that we took when we adopted the double weight concept, the net effect when they balance winners against losers is probably somewhere between, I think, like four and nine million dollars. What's going to be the cost of this particular maneuver?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

I cannot give you a definitive answer at this time. The Department of Revenue has been running the figures, and when they did it yesterday, there was a difference in the FNI and A numbers between what they had and what the Bureau of...of...of Employment Security told them in relation to part. So they are redoing it to see what the...difference was in these to try to come up with a figure. I will have it for you Monday, I cannot give it to you at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, I'm quite concerned about what the loss is going to be in revenue because, as I recall from the earlier debate on the subject of double weighting, the winners are going to walk off with something like upwards of about thirty million, the losers were going to lose something in the range of about twenty million or a little more. So, now, if there aren't going to be any losers, everybody is going to be a winner, looks to me like the price tag is somewhere going to be approaching that thirty million dollar figure. So I think we better realize that this is a very serious amendment that we're talking about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

It is a very serious amendment and I'm sorry that I can't give you what you asked for because of that...in...in information. The only thing I can say, you want to look at the positive side of it. If you've got a company that's got forty-four hundred or forty-five hundred employees in the State of Illinois that conceive by their tax experts it would

be advantageous to go over five thousand in employees, you're going to have five hundred new employees working in the State of Illinois and certainly more than going to make up for any loss of revenue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I reluctantly rise in opposition to this amendment; in fact, one of the four parties that's going to benefit from this, I can see right outside my office window. The point is though that, Senator Rigney, if you're concerned about what this is going to cost, this sucker is going to put perfume on the biggest pig in this session. The price tag on this is not going to be what this is, it's going to be what the bill is which is about a hundred and six million dollars. And, Senator Davidson, I really would ask you not to do that to us because I think you might well...you might well be creating the lubricant to pass something that we're all going to regret, and what's going to far more impact this General Assembly than the favor or the preferential treatment you're going to be giving those employers who I greatly appreciate being in Illinois. But we ought not to be putting this amendment on this bill because I'm afraid we are perfuming the pig.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson, you may close.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I'd appreciate a favorable vote on this amendment. We passed special legislation earlier this week besides the double weighting. I think we passed a piece of legislation that went out of here that gave a substantial break just to two companies. All I can say to you is the name of the game is to try to make a favorable climate to keep employers in this State so our

people who are employees have an opportunity to work, and that's what this amendment is all about and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson has moved the adoption of Amendment No. 1 to House Bill 3503. Those in favor will indicate by saying Aye. Opposed Nay. The opinion of the Chair, the Ayes have it. Amendment No. 1 is adopted...Senator Rigney.

SENATOR RIGNEY:

Could we have a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Rigney, are you...3rd reading. On the Order of Recalls is...is House Bill 3550. Senator Berman seeks leave of the Body to return House Bill 3550 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bill 2nd reading, House Bill 3550, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is the...summer school for the arts bill. The amendment was worked out with the people from the Governor's Office as well as the proponents of the bill. What it does is to delete the provisions requiring development of residential internships for practicing teachers of the arts, deals with the administration of the school. Move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay, Senator Berman has moved the adoption of Amendment No. 1 to House Bill 3550. Discussion? Senator Maitland. All right. Further discussion? Senator Berman has moved the adoption of Amendment No. 2 to House Bill 3550. Those in

favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?
SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, 3rd reading. With leave of the Body, we will return to the Order of House Bills 2nd Reading and pick up House Bill 2630. Is leave granted? Leave is granted. On the Order of...Senator Savickas. Senator Savickas.

SENATOR SAVICKAS:

Senator D'Arco asked that we move this bill to 3rd reading and he will bring it back Monday once the amendment of Senator Jones is printed and distributed and digested. But he, at this point, would like to move it to 3rd and bring it back Monday for amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Jones, you have an amendment filed here. Do you wish at this point then to withdraw that amendment and...Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. I do have two amendments filed, will be 1 and 2, so we'll withdraw those amendments with the agreement that the bill will be brought back, and Senator Rupp has something he wants to say...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Yeah, basically, what...is doing...you know, I appreciate the approach. Senator Jones is withdrawing those two amendments, another one is being prepared which will make it that the effect is not retroactive, it will be from today forward and that is what we are going to consider Monday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...

HB 913
Recalled

SENATOR RUPP:

I do feel that perfectly free in...in...in asking that not just our side support it, I think it's important enough that both sides support that concept.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...well,...Senator,...sorry. Senator Jones has...has requested to withdraw both amendments. Is leave granted? Well, leave...both amendments are withdrawn. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, 3rd reading. All right...all right, before we leave this recall...first recall list, there is House Bill 913. Senator Barkhausen indicates he's ready. Senator Marovitz. All right, with leave of the Body, we'll return to the first recall list and pick up House Bill 913. Leave is granted. Senator Barkhausen seeks leave of the Body to return House Bill 913 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? All right, leave is granted and House bills 2nd reading is House Bill 913, Mr. Secretary.

SECRETARY:

Amendment No. 4, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, when we were on Amendment No. 4 a little while ago there was some confusion because the amendment had not been distributed and, apparently, an earlier amendment that had been withdrawn had been...distributed. I guess I should start by offering to answer any questions but, very briefly, the amendment...Amendment No. 4 again takes out the original bill both because it duplicates

another bill which is at passage stage in the House, Senator Sangmeister's Senate Bill 522, and also because there is some...apparently some difference of opinion as to the desirability of the original bill in the first place with both some prosecutors and some criminal defense attorneys in the State Appellate Defender's Office and, apparently, also the Bar Association expressing some misgivings about the original bill. In addition to that, beyond what the amendment yesterday accomplished, there are two additional changes both addressing a situation where a defendant in a drunk driving accident is convicted of...of killing as a result of that accident more than one person. By separate provision...in this amendment we would make that potentially a nonprobationable offense and also eligible for extended term sentencing. Again, would be happy to answer any questions and would urge the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen has moved adoption of Amendment No. 4. Discussion? Senator Marovitz. Senator Keats, can we break up the caucus that you have there. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, first of all, I want to point out that this doesn't just affect in terms of the penalties...this does not just affect drunk driving. This affects involuntary manslaughter, reckless homicide, and that portion of the amendment makes no sense at all. There's no logical...basis for that being in the amendment. First of all, in the case of involuntary manslaughter and reckless homicide, there is no intent to kill inherent in those penalties and, consequently, allowing the...allowing this to be an aggravating factor would not in any way allow a deterrence or...or provide a deterrent to the crimes of involuntary matter...involuntary manslaughter or reckless homicide. In...in no way would it

provide a deterrent, there's no logical reason for saying that there should be an aggravating factor where more than one person is killed. Certainly, this is a tragedy and it's probably a difficult vote for people to...to vote against, but there's no logical basis for it at all to say that in a case of reckless homicide where there is no intent what...whatsoever to kill, that we're going to make this an aggravating factor. And, to me,...I don't think the amendment is well thought out. It's populous to nature but I really don't think it's something that makes a lot of sense. The law on this subject matter is good. The fact that more than one individual is killed is...is a greater tragedy but the fact is by increasing the penalty and making this an aggravating factor isn't going to be any deterrent. There's no intent in this...in this...inherent in these crimes to kill and I think it's a...it's...it's a bad idea. It should be defeated and has no basis whatsoever in logic.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sangmeister.

SENATOR SANGHEISTER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Sangmeister.

SENATOR SANGMEISTER:

I was pleased to hear too that Senate Bill 522 was resurrected. I think it's a long time we get voluntary manslaughter back where...or not back but get it on track as a first and second degree murder and all the other things that are encompassed in that legislation, but you are backing your amendment...referring back to voluntary manslaughter again. What...if 522 goes to the Governor's Desk, how is it going to relate to this amendment? I'm not sure, I...if you have any thoughts on that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yeah, I think you're correct, Senator Sangmeister, that if he was to sign say Senate Bill 522, that this would probably require an amendatory veto in that it does make reference to voluntary manslaughter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, all right, if this...if this passes to his desk, then I would hope he would do that. Although I think Senator Marovitz kind of hit it on the head, the old classic law school case of involuntary manslaughter where the flowerpot was knocked off the third floor and hits an individual and kills them on the sidewalk below, whether that would be one person or two persons or three persons, why would you want to make this an additional aggravating factor that would rule out probation? You don't really have to answer that, I...you know, I just don't think it makes sense. But I...what I do want to go back to is again and ask you that question, as I recall last week, didn't your amendment go on on this murder as a calculated...committed...didn't that go out on another bill? That's a question I'd like answered.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...all right, Senator Barkhausen.

SENATOR BARKHAUSEN:

It went on this same bill yesterday, Senator Sangmeister.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR BARKHAUSEN::

...so the bill is presently in...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Whoop, Senator Barkhausen.

SENATOR BARKHAUSEN:

...in the form...that incorporates that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Sangmeister.

SENATOR SANGMEISTER:

I see, I didn't look at the beginning of the amendment. In other words, this amendment has strict...has stricken everything that has happening and this is it now, this is the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, just again, I...you know, everyone pretty well knows where I come from on these matters but at the same time I really think, Senator Barkhausen, for about the fifth time I would say to you that every murder is a cold, calculated and premeditated manner and I really think to put that in as a...as a death penalty aggravation, that even the most conservative court is going to say, you know, that does not belong there and you're now making all homicides death penalty cases, and I think we're jeopardizing the Statute.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen may close.

SENATOR BARKHAUSEN:

Mr. President and members, to address...the...first of all, the two additional provisions in this amendment that haven't already been in the bill. I think Senator Marovitz and Senator Sangmeister both make some good points, and I think there is an argument for...for keeping the law the way it is with regard to...to multiple convictions as a result of one incident for voluntary manslaughter...voluntary man-

slaughter and particularly reckless homicide. On the other hand, we have to recognize that there would be prosecutorial discretion to only charge...to only attempt one...the conviction of more than one individual only in the appropriate cases, and I...I...my guess is that you would most often see this in the...in the most serious kind of reckless homicide case perhaps most...often as a result of drunk driving. Also with regard to the extended term sentencing, it must be realized that...that those sentencing provisions are optional with the court and would not be resorted to in every case. As to the addition of the aggravating factor in the death penalty Statute, as Senator Sangmeister points out, that has been a...a debate that we've hashed through before. There is a difference of opinion as to whether there may be grounds for finding that additional factor unconstitutional. As I pointed out earlier,...that the language is taken is kind of a hybrid from death penalty Statutes in both Florida and Texas which in cases that have gone all the way up to the U.S. Supreme Court have been judged to be constitutional. And for those reasons, I don't feel that there is any grounds for...for fearing that the language may be in this case found unconstitutional at some future time; and for all of these reasons, Mr. President, I would urge the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Barkhausen has moved the adoption of Amendment No. 4 to House Bill 913. Those in favor indicate by saying Aye. A roll call has been requested. Senator Barkhausen moves the adoption of Amendment No. 4 to House Bill 913. 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 33, the Nays are 15, none voting Present. Amendment

No. 4 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...3rd reading. We now completed the first recall list. Senator Maitland has sought leave to go to the Order of House Bills 2nd Reading for the purpose of moving a bill. Leave is granted. House bills 2nd reading is House Bill 3200. It is on page...page 14, House bills 2nd reading, House Bill 3200.

Mr. Secretary.

SECRETARY:

House Bill 3200.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland...any amendments from the floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right, let's go to the second...leave of the Body, we'll go to the Order of...Recalls, the second recall list has been passed out. Senator Jones on the Floor? Senator Jones is on the floor. On the Order of Recalls is House Bill 2564. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 2564, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. Amendment No. 1 to House Bill 2564 states that the department

shall receive the funds appropriated from the Petroleum Violation Fund and this is the vehicle bill. This is just a amendment to keep the bill alive and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones moves adoption of Amendment No. 1. Discussion? If not, those in...Senator Schuneman. Senator Schuneman, just turn your light on. Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I don't have a copy of the amendment. What's the amendment do?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The amendment does just what I says is that it...it strikes everything that's in the bill and states that the department shall receive the funds...the Exxon Funds as appropriated from the Petroleum Violation Fund. I know you are on that subcommittee in Exec. and you heard this bill when...when it was in the Exec. Committee. This is just a vehicle bill more or less to...to handle the funds and keep the bill alive, and this was...all this does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Senator Schuneman, I was invited at the last minute to have a discussion with some Senate-House members and members of the administration just a...a few minutes ago. You should have been invited and I'm sorry you were not to just begin to find out where everyone was on the use of the Exxon money. I think it is not finally resolved yet, but, in any event, I

think Senator Jones is correct that this bill is intended to be a vehicle if we need substantive language and there is no decision yet about what is needed or in what form, but it is just there in case we need it in order to ultimately carry out any agreement if there is indeed a...an agreement, a consensus on the allocation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you. I...there seems to be a certain amount of confusion, I don't think I've got any problem with this. I was invited to participate in that meeting and other...I think there were some Republican members there, and so I have no objection to the amendment as long as we're all in agreement with the program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there other discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, is it...is it your intention then later on...I guess on Monday, perhaps, if there is some agreement struck over the weekend to bring this thing back and amend it at that point, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I, along with Senator Schuneman, were part of the package this morning...and I...I don't exactly know what took place this morning versus what we heard about yesterday, and I would hope that some of the concerns that we've expressed are still...those that are viable options and they have not cer-

tainly been discounted and I'm not sure...Senator Jones is even privy to those.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

I have not been part of the discussion but if you were in the Exec. Committee at the time that this bill was heard and you heard the explaining as to why we have this bill. Just in the event we need substantive language to deal with whatever agreement come out of those summit...summit...meetings, this bill...will be available for the substantive language if necessary.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, I was there, Senator Jones, and perhaps I should request to be...join you as a hyphenated cosponsor of this bill so that we might help guide its progress together.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Well, I know my distinguished colleague of downstate have the upmost trust and faith in me and he...he so care to join me, he can.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Welch. Senator Jones may close.

SENATOR JONES:

Yes, I move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones moves the adoption of Amendment No. 1 to House Bill 2564. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

*HB 2958
Received
HB 2741
Received*

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2741, Senator Maitland. Senator Maitland asks leave of the Body to recall House Bill 2741 back to the Order of 2nd Reading for purpose of amendment. Hearing no objection, leave is given...Mr. Secretary.

SECRETARY:

Amendment...Amendment No. 3 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Some weeks ago this Body passed out Senate Bill 1852 which delayed by three years the implementation of the Board of Higher Education mandates for college entrance in the year of 1990, and that bill has come up against some problems in the House with respect to some amendments and this simply is all the bill does. It is Senate Bill 1852.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Maitland moves the adoption of Amendment No. 3 to House Bill 2741. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2958, Senator Sangmeister. Senator Sangmeister asks leave of the Body to recall House Bill 2958 back to the Order of 2nd Reading for purposes of amendment. Hearing no objection, leave is granted. Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Sangmeister.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, when we put on a Floor amendment, apparently, we raised some problems with the Comptroller's Office and other people, and we're going to have to Table an amendment that was put on and we're going to have substitute this amendment in its place. So I believe there was a committee amendment, we want that to stay on the bill. Now I think it's...what is it, Mr. Secretary, Floor Amendment No. 1 or is it called Amendment No. 2 that I want to Table? It's the Floor amendment that I want to Table. Is that considered Amendment No. 2 or...

SECRETARY:

It would be...

SENATOR SANGMEISTER:

...Floor Amendment No. 1, what is that?

SECRETARY:

...No. 2...

SENATOR SANGMEISTER:

Okay, so...

SECRETARY:

...do you have the LRB?

SENATOR SANGMEISTER:

Yes, I believe I do.

SECRETARY:

I...I will read what I would say was the one you want to Table.

SENATOR SANGMEISTER:

Yes, go...

SECRETARY:

LRB 8409198JMCSAM01.

SENATOR SANGMEISTER:

That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Having voted...

SENATOR SANGMEISTER:

Mr. President, I now move...I'm sorry, I move to Table that amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister having voted on the prevailing side on the adoption of Amendment No. 2 to House Bill 2958 moves to reconsider the vote by which it was adopted. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Now Senator...Sangmeister wishes to Table Amendment No. 2 to House Bill 2958. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Amendment No. 2 is Tabled. Further amendments?

SECRETARY:

Amendment No. 3, by Senator Sangmeister.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

All right, now this amendment puts everything in conformance with everybody. I'll be happy to answer any questions that they have may. On the payroll...reductions we are reducing from twenty-five hundred employees to fifteen hundred is the main change in here. If anybody has any questions, be happy to talk to them about it; if not, I would move for the adoption of now Amendment No. 3.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Weaver.

SENATOR WEAVER:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WEAVER:

Senator, I was just wondering is...with that limitation on numbers, there are some that have monthly checkoffs and it's on a continuing giving situation. Would this abolish that ability to have a continuous giving for..regardless the number who have signed up?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Although there seems to be some confusion about this continuing giving, that is not the intent of this and this does not do it. This just...lowers from fifteen hundred to twenty-five hundred those that have previously contributed to be the threshold, but it does not change any policy that they presently have. And I've cleared that with the Comptroller's Office and this also takes care of the other problem that you came to see me about. Everybody, I think, Senator Weaver, is on basis with this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Sangmeister moves the adoption of Amendment No. 3 to House Bill 2956. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 3062, Senator Poshard. Senator Poshard asks leave of the Body to recall House Bill 3062 from the Order of 3rd Reading to 2nd Reading for purposes of amendment. Hearing no objection, leave is granted. Senator Poshard...or Mr. Secretary.

SECRETARY:

Amendment No. 4, by Senator Luft.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. This amendment has been approved by the sponsor, Senator Poshard, also by Senator Maitland and by Senator Berman. When we adopted this amendment, I believe yesterday, there was incorrect language in the amendment that we adopted. This simply removes that language. I'll try to explain it if anybody wishes but, as far as I know, there is no opposition to this at all and it's been cleared by everybody.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Luft moves the adoption of Amendment No. 4 to House Bill 3062. Those in favor will indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 3340, Senator Lemke. That concludes our second list on recalls. Senator Rock.

SENATOR ROCK:

...if there's any housekeeping that has to be done or ought to be done, we can certainly do that; otherwise, I'd move that we stand adjourned until noon on Monday. And I would ask all the members, Monday is the deadline and we will continue to work until we have finished the call or finished the Calendar as the members see fit. If they don't wish to call their bill, obviously, we're not going to force them but we will conclude our business on substantive bills on Monday including recalls. So I would ask everybody to be here at noon on Monday sharp and we'll get started and work till we're finished.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there...any business yet? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Purpose of an announcement. JCAR will meet Monday at 10:00 a.m. in Room A-1 at the Stratton Building. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Just to ask leave of the body to be shown as a hyphenated cosponsor of House Bill 3550.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Hearing no objection, leave is granted. Is there further business to come before the...there are resolutions yet that are on the Secretary's Desk. There are some paper work and some business and also the adoption of the adjournment resolution. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like leave to be shown as a...a cosponsor of House Bill 913.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. Senator Lemke.

SENATOR LEMKE:

I'd like to...leave to have the sponsorship of...House Bill 3340 be shown as Lemke-Geo-Karis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. Resolutions Consent Calendar. Resolutions.

SECRETARY:

Senate Resolution 1091 offered by Senator Donahue, it's congratulatory.

1092, by Senator D'Arco, it's congratulatory.

1093, by Senator Vadalabene is the death resolutions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Consent Calendar. Mr. Secretary, has there been any objections filed to the Consent Calendar on Resolutions?

SECRETARY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Mr. Secretary, we do have additions. We have House Joint Resolution 219, 220, 221 and 222, Senate Resolutions 1091, 1092 and 1093. Are there objections to any of these?

SECRETARY:

No...no objections, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard moves the adoption of Senate Resolution Consent Calendar. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. Resolutions Consent Calendar are...are adopted. Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

Mr. President, to ask that Senator Dudycz be added as a hyphenated cosponsor to House Bill 913.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. Messages from the House.

SECRETARY:

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

Mr. President - I'm directed to inform the Senate the House of Representatives has refused to recede from Amendment No. 2 to a bill with the following title.

Senate Bill 1200.

And they have asked for a Conference Committee and the Speaker has appointed the members on the part of the House.

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

Mr. President - I'm directed to inform the Senate the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill with the

following title.

House Bill 3162, Senate Amendment No. 2.

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

Mr. President - I'm directed to inform the...the Senate the House of Representatives have concurred with the Senate in the passage of bills with the following titles together with House amendments:

Senate Bill 602 with House Amendments 1 and 2.

Senate Bill 1558 with House Amendments 1, 3, 4 and 5.

Senate Bill 1666 with House Amendments 1 and 2.

Senate Bill 1917 with House Amendment 1.

Senate Bill 1988 with House Amendment 1.

Senate Bill 2018 with House Amendment 1.

Senate Bill 2105 with House Amendment 1.

Senate Bill 2177 with House Amendment 1.

Senate Bill 2185 with House Amendment 1.

Senate Bill 2210 with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose Senator Rock seek recognition? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Simply to request that on House Bill 2820 that is presently Senator Hall's bill, the cosponsorship for myself and Senator Schaffer be added with the acceptance of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You heard the motion. Hearing no objection, leave is granted. Senator Barkhausen.

SENATOR BARKHAUSEN:

Pursuant to the request of Senator Geo-Karis, Mr. President, I would also ask that she be added as a hyphenated co-sponsor on House Bill 913.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objections, leave is granted. Is there further business to come before the Senate? If not, the Senate will stand adjourned until Monday morning...or Monday at noon, the 23rd of June. The Senate stands adjourned.

STATE OF ILLINOIS
84TH GENERAL ASSEMBLY
SENATE
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