

84TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 23, 1986

PRESIDENT:

The hour of noon 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 afternoon by the Reverend Frank J. O'Hara, St. Peter and Paul Catholic Church, Springfield, Illinois. Father.

REVEREND O'HARA:

(Prayer given by Reverend O'Hara)

PRESIDENT:

Thank you, Father. Reading of the Journal, Mr. Secretary. Senator Poshard.

SENATOR POSHARD:

Mr. President, I move that reading and approval of the Journals of Tuesday, June 17th; Wednesday, June 18th; Thursday, June 19th and Friday, June 20th, in the year 1986, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Poshard. 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.

SECRETARY:

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

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

House Joint Resolution 223 which is commendatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

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

Mr. President - I am directed to inform the Senate

the House of Representatives has concurred with the Senate in the passage of the following bills, together with House amendments:

Senate Bill 937 with House Amendments 2 and 4.

Senate Bill 1491 with House Amendment 1.

Senate Bill 1814 with House Amendments 1 and 2.

Senate Bill 1815 with House Amendment 1.

And Senate Bill 1856 with House Amendments 1, 2, 3, 4, 5, 7 and 9.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 1094 offered by Senators Rock, Philip and all members and it's congratulatory.

...Senate Resolution 1095 offered by Senator DeAngelis and it's congratulatory.

PRESIDENT:

Consent Calendar. All right. The Senate will please come to order. As I'm sure everyone aware...is aware, today is the deadline for House bills 3rd reading. If you'll look on the Calendar, we will go from the bottom of page 3 to the bottom of page 10. A recall list has been passed out. If the sponsor wishes to recall the bill, that's his or her business; otherwise, the...all the bills will be called in order. Secretary informs the Chair there has been one additional bill to be placed on the recall list, 3056, so if you just add 3058 to the bottom of that list. And any other member that has a bill they wish recalled, if you'd just indicate it, we'll certainly accommodate. We will do 3rd reading...House bills on 3rd and when we reach the bottom of page 10, we will then go to the Order of Recalls and take the bills in the order in which they were...in numerical order. Bottom of page 3. On the Order of House Bills 3rd Reading is House Bill 523. Read the bill, Mr. Secretary.

HB 913
2nd Reading

SECRETARY:

House Bill 523.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, Mr. President and members of the Senate, I have staff here that says that...this amendment that has to be on this bill...

PRESIDENT:

Senator Sam.

SENATOR VADALABENE:

Yes, we'll have to pull it out of the record.

PRESIDENT:

All right. Take it out of the record, it'll go on the recall list. 913, Senator Barkhausen. On the Order of House Bills 3rd Reading. I'd ask the members to please...get ready. If you'll turn to page 4, Senators Netsch, Smith, D'Arco, Marovitz, DeAngelis, Marovitz,...Weaver, Schuneman. Bottom of page 3. On the Order of House Bills 3rd Reading is House Bill 913. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 913.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 913 about which we had some discussion when the bill was amended last week now and...in its condition here on 3rd reading does three things. One, it adds to the sentencing provisions for homicide an additional aggravating factor making defendants in certain

homocide cases eligible for the death penalty. This additional aggravating factor...would require that a murder has to be committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means in order for a particular murderer to be eligible for the death penalty. As I've said before, the language is borrowed from...from Statutes in other states which have been tested in the courts and found to be constitutional. So, I believe that any arguments about the constitutionality...of this language can be answered by pointing to these other cases. In addition to this death penalty provision, the bill does two additional things. It makes voluntary manslaughter, involuntary manslaughter and reckless homicide where there are convictions for killing more than one individual both...applicable...or makes the mandatory imprisonment provisions of the Sentencing Code applicable to those crimes, and it also makes these defendants eligible for extended term sentencing which would be optional with the criminal court judge. I'd be happy to answer any questions and would otherwise ask your support for this bill.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 913 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 3 Nays, 1 voting Present. House Bill 913 having received the required constitutional majority is declared passed. Top of page 4. Senator Netsch, 1321. On the Order of House Bills 3rd Reading is House Bill 1321. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1321.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1321 in its original form was requested by the Department of Revenue to take care of a technical matter that was not taken care of last year. And what it does is to set up the...the procedures for the Department of Revenue to possess and contract to sell property which has been seized by the State police from delinquent income taxpayers. What it does really is to conform the seizure provisions of the income tax identically to those that we had already passed with respect to the sales tax. The other part that was added by amendment the other day is the text of Senate Bill 2158 which this Body passed by a vote of 55 to 1 earlier in the Session and which did not survive the Rules Committee process in the House. It was a recommendation of the...County Finance Study Committee which had reported to Senator Rock and which had been set up by Senator Rock, and basically what it says is that if a county has established a tort liability fund for indemnification that it does not also have to collect the fee that the law currently requires it to collect from purchases of land at tax foreclosure. That amount was under existing law required to be put into an indemnity fund. It makes no sense to have duplicate indemnity funds, this would allow the counties basically to relieve the...the fees from the foreclosure sales for general county purposes so long as they already have covered the subject matter of the indemnity fund. I don't believe there's any quarrel about this procedure, and I would solicit your support for House Bill 1321.

PRESIDENT:

Is there any discussion? Any discussion? If not, the

question is, shall House Bill 1321 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, no Nays, none voting Present. House Bill 3821 having received the required constitutional majority is declared passed. Senator Smith on 1446. On the Order of House Bills 3rd Reading, the top of page 4, is House Bill 1446. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1446.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1446 merely requires the Department of Public Aid to give first priorities to the establishment, collection and enforcement of current support, and the second priority is that the collection and enforcement of the past due support owed to the family. This bill puts into the Statute the Federal priorities. These priorities are to ensure that children will be able to climb out of poverty, to ensure that families get off of public aid and stay off public aid. House Bill 1446 says that in Illinois children come first. I ask for your favorable consideration.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1446 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes...52 Ayes, no Nays, none voting Present. House Bill

HB 1473
3rd Reading

1446 having received the required constitutional majority is declared passed. Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

Something was wrong with my...switch and had i been...had it been working, I would have voted...Aye on 913 and on...I believe, was it...there's was another bill that we called...1321. I would have voted Aye on those two bills.

PRESIDENT:

The record will so indicate. If I can have the attention of the Body, Paterny and Barnett and Associates have requested permission to shoot some film, with leave of the Body if leave is granted. Senator D'Arco, 1473. On the Order of House Bills 3rd Reading is House Bill 1473. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1473.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What this bill does is to remove the deadline of September 19th in current law for the policy in relation to consideration of earned income of general assistance recipients. That policy seems to be working in that it provides that the first seventy-five dollars of earned income assistance cases comprise that portion of earned income that is not included in the amount of eligibility for our general assistance grants. The department thinks it's working and it is working and they want to remove the deadline. Another part of the bill would amend the Public Aid Code to create a...an...an Executive Task Force on Nursing Homes. There are problems with nursing homes and

this task force would look into it. Another part of the bill provides that when people become eligible for public aid from...when they're incarcerated, there is an eligibility mechanism that the department can use to determine their eligibility. That...that's what the bill does. I don't know of any opposition and I ask for a favorable vote.

PRESIDENT:

There any discussion? Any discussion? If not, the question is, shall House Bill 1473 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present. House Bill 1473 having received the required constitutional majority, declared passed. Senator Marovitz on 1477. On the Order of House Bills 3rd Reading is House Bill 1477. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1477.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 1477 authorizes a shelter increase to be made under the Aid to the Aged, Blind and Disabled Program. It requires the Department of Public Aid to increase the maximum shelter from ninety-seven to a hundred and twenty-five dollars per month for an individual living alone and allows a homeless person to receive a shelter payment. AABD, the Aid to the Blind and Disabled is the only assistance program administered by the Department of Public Aid which is not a flat grant like general assistance is; instead, each

cash assistance is based on need. The Department of Public Aid has set amounts of maximum assistance for particular needs...such as ninety-seven dollars for shelter, eleven dollars and eighty cents for utilities. If an AABD recipient lives with one person, the recipient receives less, as they should, only forty-eight dollars and fifty cents for...for rent and half for utilities, five dollars and ninety cents. The shelter standard has not changed since 1973. At that time, the shelter was increased from ninety to ninety-seven dollars, a seven dollar increase. Interim assistance is that part of the Aid to the Blind and Disabled Program which pays elderly blind and disabled people cash assistance while their application for Social Security benefits is pending. Once the Social Security Administration approves this application, the Department of Public Aid is reimbursed...reimbursed for the interim assistance provided. Yet, many of these disabled people are receiving less than an able-bodied person under general assistance. Eighty percent of the dollars come back from the...from the Federal Government. House Bill 1477 provides a twenty...twenty-six dollar shelter increase for half of the interim assistance caseload and a fourteen dollar increase for those sharing...households. It becomes effective April 1st, 1987. They asked us to change the effective date, we complied and changed the effective date. The initial cost of the increase will be about 1.17 million. The department will receive reimbursement for those recipients who are certified for the SSI program and presently eighty-three percent of interim assistance recipients are certified. So the Department of Public Aid will get...reimbursed for this eighty-three percent of the cost. After reimbursement by the Feds, the cost of the increase will be about a hundred and ninety-eight thousand dollars which the department would have to expend anyway for GA programs. I'd be happy to answer any questions, but remember,

Ladies and Gentlemen, this is...now we're talking about priorities, this is aid to the blind and disabled and most of the money is reimbursed by the Federal Government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Now there are several speakers. We have got a long way to go today, so let's attempt not to...you have to use the timer. Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

You mentioned the amendment which changes the effective date to April 1st, 1987. That's unusual, why...why are we doing it April 1st, '87?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The cost of the program...the...the program was lowered by two million dollars by a later effective date and that was the request of the department, so we changed the effective date to...to change and lower the cost of the program by approximately two million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Okay, that would be for this current...or for Fiscal Year '87. What would be the cost of the program in Fiscal Year '88?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

...I'm...I have the initial cost. I'm...I'm looking in my notes for the...for the Fiscal '88 costs, I'll get that

back to you before we close.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

I just noticed that our analysis says that the increased costs for the next Fiscal Year '87 without that effective date was going to be 6.4 to 12.7 million dollars. And then you mentioned that it's going to roll back with the Federal dollars coming in to a hundred and ninety-eight thousand dollars as the only cost that the State might incur. I...I can't imagine how we can go from 12.7 to...to two hundred thousand dollar cost with simply changing the effective date.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I don't know where they got these costs, this is the first time I've heard that...that's way, way, way out of line. Eighty-three percent of whatever we spend is reimbursed by the Federal Government. This is just while these people, these indigent, the...the...the blind and disabled, while they're waiting for their Social Security benefits and until they get reimbursed, until we get reimbursed by the Federal Government. Eighty-three percent of...of these dollars are reimbursed by the Federal Government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will you break up the conferences. Senator Donahue.

SENATOR DONAHUE:

Yes, Senator Marovitz, under this program...it's very complicated for a lot of people to understand this, but while these recipients are waiting and their cases are pending,

does the public...does public aid help in any way in a legal assistance as these...cases are pending before the Federal Government?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Yes, they do. They are provided attorneys to help see that they get reimbursed by the Feds, that the dollars are coming back from the Federal Government for the Social Security Administration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Are the legal fees for these attorneys paid for out of Public Aid for these recipients through this same type of funding?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Do we have a cost figure on...on all this costs...and on what it...what it costs Public Aid to recoup this money that you say we always recoup?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Last year was...the cost was...for seven hundred and fifty cases was seven hundred and fifty thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

So, it's roughly about a hundred dollars a case an attorney receives for recouping this, is that what you're saying?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

...let me just say this. There is no extra cost for attorneys' fees. This comes out of the money that we're reimbursed by the Federal Government. This is not cost over and above that, it comes out of the reimbursement by the Federal Government. It is not funded by the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

So in other words, the cost to the State of Illinois would not go up as a result of a...of a complainant going to an attorney in order to try and get that fee from the Federal Government. The cost would not go up, it is borne...it is not borne by the State of Illinois, it comes out of that Federal reimbursement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion?...Senator Donahue.

SENATOR DONAHUE:

Well, I...I think that there's a lot of inconsistency in what you're saying, Senator Marovitz, and what our staff is saying to us. We're saying that there are a lot of hidden costs involved in this that are not reimbursed by the Federal Government, it is an add-on cost, and I would just rise in opposition to this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Well, first of all, let me tell you some of the kind of people who are served by this, and these are people who are waiting for their checks from the Federal Government,

it's...it's an existing program. These are people with severe liver disease, brain tumors, epilepsy, neurological brain disorders...these are the kind of people that we're serving. Interim assistance recipients need a shelter increase; ninety-seven dollars is not enough to find a decent shelter especially when the utility allowance is only eleven dollars and sixty cents. These recipients are those who suffer from heart disease, brain tumors, cancer, rheumatoid arthritis and other debilitating diseases. They have special needs, and a fourteen-year wait for a shelter increase is far too long...fourteen-year wait for any shelter increase. We shouldn't be turning our backs on them and I think that's where the priorities of the State Legislature ought to be. This bill provides a meager increase, a hundred and twenty dollars...a hundred and twenty-five dollars for shelter is not extravagant. For most recipients this increase means they'll receive a hundred and fifteen or a hundred and thirty dollars per month, total. Many townships, both receiving and nonreceiving, benefit from having recipients go from GA to interim assistance, but the recipients don't, because they get a cut in general assistance. The Legislature really has to help those in need. After thirteen years we must increase shelter allowance and assure that homeless recipients receive a shelter allowance. I think this bill will determine where the priorities of the Legislature are. Sure, it's an election year, people out there are taking a look at tough decisions that we have to make. Where are our priorities? Are they with the people who are indigent and have no dollars at all, who are blind and disabled, have brain tumors, epilepsy, those kinds of things and are just waiting for their money from the Federal Government? We're providing this interim assistance. Ladies and gentlemen, the Legislature all ought to be voting green on this. This tells you something about the sensitivity and the priorities of the General Assembly.

HB 1945
3rd reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate...or House Bill...House Bill 1477 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 26, none voting Present. Senator Marovitz. Senator Marovitz seeks postponed consideration. Postponed consideration, Mr. Secretary. All right. 1945, Senator DeAngelis. Senator DeAngelis. On the Order of House Bills 3rd Reading is House Bill 1945, Mr. Secretary.

SECRETARY:

Senate...or House Bill 1945.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 1945 contains many administrative changes in the Professional Service Corporation Act, the Barber and Cosmetology Act, Detection of Deception Examiners Act, Collection Agency Act, Nursing Act, Optometric Act, Podiatry Act, Roofers Licensing Act and the Detective Security and Private Alarm Act. Now the majority of this bill is noncontroversial. There was an amendment that was put on and that was the Detective's Act. We have since then amended the amendment so that...to take care of most of the objections. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis. Senator...would you restate your question, I...I didn't hear it.

SENATOR DeANGELIS:

I didn't...I didn't have any questions, Mr. President, I was trying to explain the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, apparently you're doing a very bad job, you want to start over.

SENATOR DeANGELIS:

Well, I'll tell you, I'm going to send back this chicken soup with the pepper in it that I was just eating before that time. Okay. House Bill 1945 contains various administrative changes suggested by the Department of Registration and Education. Included in these changes are changes to the Professional Service Corporation Act, the Barber and Cosmetology Act, the Detection of Deception...Detection of Deception Examiners Act, the Collection Agency Act, the Nursing Act, the Optometric Act, the Podiatry Act, the Roofers Licensing Act and the Detective Security and Private Alarm Act. All these changes have been agreed upon except an amendment that was added on for the Detective Act. Then we further amended that Detective Act...amendment to include some changes that were suggested by some of the opponents. I will be more than happy to answer any questions on House Bill 1945.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Discussion? Senator DeAngelis, I want to advise you, you also exceeded your time but you did a good job on that. If not, the question is, shall House Bill 1945 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 1...53, the Nays are 1, none voting Present. House Bill 1945 having received the required constitutional majority is declared passed. 2254, Senator Marovitz. House bills 3rd reading is House Bill 2254, Mr. Secretary.

SECRETARY:

House Bill 2254.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 2254 authorized the Department of Public Aid to establish by rule a child support amnesty program...for responsible relatives who owe child support. The program would allow the Department of Public Aid to suspend specific enforcement actions and will provide actions which must be taken by responsible relatives to...avoid future enforcement actions. This program...this amnesty program has been tried in California and Maryland, worked...worked very well...they've gotten...a lot of money...child support money where there have been arrearages and the money hasn't been paid by...by giving them amnesty from enforcement. It also...in...in regards to...the no-fault divorce period where there's a unilateral agreement, it reduces the waiting period from six months to thirty days where both parties agree. Where there's a...rather a bilateral agreement, where both...where only one party wants the divorce, there's still a two-year waiting period that is not touched at all. But where...where both parties agree, the waiting period is reduced to thirty days. This is still the only ground for divorce in Illinois where there is any waiting period at all. And we still have a waiting period...to my knowledge...this has been checked through with everybody and I know of no...organized opposition. I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. To...with respect to the orig-

inal bill, you are suggesting that the no-fault...a no-fault divorce now that the parties are required to live separate and apart only for thirty days instead of six months?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz.

SENATOR MAROVITZ:

In the no-fault divorce legislation parties have to live separate and apart for two years and they still have to live separate and apart for two years. Where both parties agree that they want the divorce, both parties agree, the way that works today they sign...they sign something that says we've lived separate and apart for six months, we agree to the divorce, we want to move on. This lowers that six-month period where both parties agree to thirty days. What's happening is a practical matter, people are signing these things fraudulently and...and not living separate and apart, if they're agreeing anyway, so we're lowering it to thirty days. This bill passed without any opposition in the House; and, as a matter of fact, there are eleven other fault grounds in Illinois, none of those fault grounds in Illinois have any waiting period whatsoever. This still retains the two-year waiting period. Where one party does not want the divorce, there is still a two-year waiting period.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Can we have some order, please. Senator Rock.

SENATOR ROCK:

Current law, however, says it's got to be six months. I mean, that's a minimum recognition to this irrevocable bond that these two people have made. Six months is not too much to ask.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, if I...in...in the House there was no...no opposition whatsoever. When you say six months isn't too long to ask, in the other...in the other eleven fault grounds in Illinois, under the same marriage contract, there is no waiting period whatsoever, zero. Here, where one party objects, doesn't want the divorce for any reason, whether it's property or wants to stay together or the children, there's a two-year waiting period, as there should be. Here, where both parties say, we can't get along, we agree to disagree, we're going...we're going to reduce the waiting period in that particular case from six months to thirty days. Frankly, I don't think there should be any waiting period at all where both parties agree.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay. Senator Rock.

SENATOR ROCK:

Well, all I'm suggesting, Senator Marovitz, and...and the fact that it came out of the House at all doesn't have any impact; particularly if it came out unanimously, that's the worst endorsement I've heard. When we installed in this State the whole idea of no-fault divorce, the idea was...because you were standing right where you're standing now and I was objecting at that time, and you said we have fault grounds and everybody lies about it, so why don't we just have no-fault. Nobody has to tell a lie. And we said at that point, it seems to me, that the two-year and the six-month provision were at least reasonable, recognizing the fact that marriage is some kind of a...a commitment. Now you're saying, listen, my wife and I decide the whole thing is over in thirty days, the hell with it. You know, why don't we make it a week? Make it a couple of hours, then we can have week-end alliances.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...well...well...Senator Rock.

SENATOR ROCK:

Well, I guess my bias is showing and I hope it's showing. I was opposed and was one of the few that was opposed to the whole idea of no-fault divorce anyway. Now we...we are just walking every Session further and further down the road, pretty soon it's going to be every twenty minutes, you don't agree, wipe it out, it's over. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Yes, Mr. President, I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR KELLY:

...Senator Marovitz, where did the concept of thirty days come up? I know Senator Rock just mentioned one week. Where did you come up with a thirty-day concept? Why...why did you use that particular time element?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I didn't come up with the thirty days. Let...let me refresh your memory and perhaps correct the President. When we passed this bill out of the Senate, no-fault divorce, there was no waiting period. There wasn't a six-month waiting period, there was a two-year waiting period where...where...where one party wanted a divorce and the other didn't. That was a...two-year waiting period where it wasn't agreed by both parties. Where both parties agreed, this Senate passed the bill with no waiting period whatsoever, not one week, not two weeks, not thirty days, not six months, no waiting period. The House...and now perhaps the wisdom of the House is...is growing. The House put the six-month waiting period on there. The House and the bar

associations have...and all groups that I know of, there is no organized women's lobby or anyone else...opposed to this, have said, this six-month waiting period where both parties agree isn't working. All they're doing is signing a document where both parties agree. Theoretically there's no waiting period, because both parties will sign a document that says, we agree, we've been living separate and apart for six months, we want the divorce. We both agree to it, we're both knowledgeable and the court will...will...will take that, that is the best evidence, and that is where this comes from.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

All I asked was one short question, where did you come up with the thirty days, but that's all right. I...I guess I'll just speak on the issue. I think the two-year period that we have now of separation is more than an adequate way...you know, marriage is something sacred and it's something that should be protected, and I think that the ones that will get damaged the most by a change of this nature is the family and the children. It's too convenient, there will be too many families that will just...thirty days...one partner in...in the marriage could actually cause the other partner very easily, during a thirty-day period, to be very depressed and agree to a divorce. And I think that we should try to...continue to have some respect and continuation of the...of marriage. And this particular bill is just wide open. You might as well eliminate the marriage arrangement if you're going to end up passing this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. First of all, I'd

like to tell some of the people that have been coming to my desk that that amendment that was placed on this bill for the thirty-six...thirty-six dollar fee does not have to be on this bill. In fact, it's probably going to have to be amendatory vetoed off. So, if that's what your concern is, don't worry about it. Second of all...Senator, there is...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Could we break up some of those conferences and have a little order here.

SENATOR FAWELL:

...there...there are a couple of...of very strong women's groups who are against this bill. Maybe they haven't talked to you but they sure as heck have talked to me, and...I...I agree...with everything that...that Senator Rock and Senator Kelly have said, this is absurd, what do we even bother with the ceremony for if we're going to continue doing this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Just listening to the debate, it sounds like we're getting into a discussion about no-fault divorce and the merits of it. But it's my understanding that one of the grounds for divorce is no-fault divorce, so you really are talking about an issue that this General Assembly has already decided is the law of the land. Now if you want to talk about your philosophy about whether people should get divorced or not, we can do that in the Rotunda, but that's not what this bill is about. This bill says where two people agree to a divorce, let them have their divorce and don't clog up the calendar with unnecessary delays, that's all this bill says. Now we can talk about women's groups, we can talk about religious groups, we can talk about all kinds of people opposed to divorce on a no-fault level, but that's not what the two people that are going to get the divorce are thinking

about. They're thinking about how they're going to resolve their personal problems in an amicable way, that's what they're thinking about. The philosophical issues are out the door to them. They want to resolve their personal differences and get on with their lives and that's what this bill does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, we can make mistakes in this Legislature, I have done my share. But, you know, marriage is supposed to be a...a sacred obligation and I think the fact that they can get a divorce in six months if they both agree should be sufficient. I don't know that it's wise to reduce it to thirty days, particularly when there are people....children involved. When someone is going through the traumatic status of a divorce and someone can be easily persuaded, you know, let's get it over with, I'll do this and that, I don't think people are really right and conditioned. And I think that we should leave it the way it is, six months, and I, therefore, rise to speak against it. The more I think about it, the more I feel the six months should stand. We may have had different opinions in the past, but I can tell you, from the experience I have had in clientele, they need more than a month to condition themselves to a divorce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you. Senator Geo-Karis just actually stated the...the most critical point in...that I was going to bring up and that is, what happened to the children in cases of parent making a decision at the spur of the moment, a moment of passion, of anger to say that I'm going to get a...divorce

and out of anger the other spouse says, yes, I agree, let's go get a divorce? Now that's absolutely irresponsible on our part to allow that to happen. And unlike many of the other speakers, I am a proponent of no-fault divorce, and I think I am a cosponsor of the measure; as a matter of fact, I had a bill in to do basically the same myself. But what I would like to know from the sponsor at this point...from a historical perspective of this measure, it is my understanding that through some...from a technical standpoint, for whatever reason, there was no waiting period in the first...when we first passed the first law. That was...well, that was not the intent that I thought that...that the bill had, that there would be no waiting period. Then last year, did we not come back and put in a six-month...waiting period?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Well, Earlean, you got it wrong again. The bill as originally passed was debated at great length on this Floor, at great length. And there was a two-year waiting period...where both parties did not agree, there was a two-year waiting period. That's about the longest waiting period of any state in the nation. Where both parties agreed, there was no waiting period. That's the way the bill passed the Senate, that's the way it was explained. It...the six months came when the bill went over to the House. In their debate, they put on a six-month waiting period where...even where both parties agreed to the divorce, they put on a six-month waiting period. Okay? This bill emanated with Representative Slater in the House who in dealing with...with many organizations and the bar associations have said the six-month waiting period where both parties agree is ridiculous. People are signing their agreements and saying we...we...we've lived separate and apart, so that's where it

came from, it came from the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

So...you're saying that John and I...I can go home and say, John, for whatever reason, I'm angry with him, I want a divorce. He said...we can argue and he said, well, okay, yes, I do too, boom, we can get a divorce...if we had ten children, I don't know...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Well, Earlean, today, under current law, without this bill, under that same set of circumstances that you just gave me, if you went home to John and said, John, I want a divorce and John said, yeah, I want a divorce, today, you could get a divorce in one day. In one...without this ground, you could...you could get a divorce in one day. If you both agreed and you both wanted a divorce, you could get a divorce immediately in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins. No. Senator Lemke.

SENATOR LEMKE:

The problem that we have with the thirty-day period is going to be what...what happens with the children? What's going to happen if this bill had a...post-decree counseling program for the parents in regards to their actions with the children, maybe the court would be in the proper...proper status to know who to award custody to. In a thirty-day case, sometimes the children are traded off as a...a pawn in the divorce and, really, they're given to the wrong person. And the pressure is put on for...for monetary reasons or because some guy happens to be excited and wants to get a divorce. I think that this is not the time for this type of

a period. Unless we can work out some type of program similar to what they have in Colorado where there is post-decree divorce, I...I don't think we should be giving a short divorce in thirty days. I think that there's certain things that the courts have to take in consideration and I think one of the main considerations which is forgotten in many divorces is the children, and I think that is important and I...therefore, I'm going to oppose this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Well, I too, am concerned about the children in any divorce, I think that should be the number one concern with anyone. In some cases where there is tremendous bickering and hostility and belligerency and sometimes physical abuse, those same children are better off getting out of that hostile household than they are staying there for a long period of time. And who's to say that these same kids are not going to be in a difficult position whether the waiting period was six months or two months or whatever it is? The fact is, both parties agree. And if both parties agree that they want out, with or without this bill they're going to get a way out. They'll either sign that they've been living separate and apart for six months or they will perjure themselves on the stand regarding the existing fault grounds and they'll get a divorce in one day, and anybody who doesn't know that that happens in the State of Illinois just doesn't know the facts. Any parent who's going to barter regarding their children and custody of the their children, well, let me tell you something, that's not much of a parent in the first place. That can happen whether your waiting period is thirty days, six months or two years. If you got a parent that doesn't give a

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damn about his kids, it doesn't matter if your waiting period is thirty days or six months. His or her priorities should be kids in the first place. The fact is, people are lying about how long they've been separated. This only applies to where two people agree, we can't make it anymore, it's not in our best interest to stay together, it's not in the best interest of the kids. If one of those parties has any doubts, there's a two-year waiting period. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2254 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 5, the Nays are 48, none voting Present. House Bill 2254 having failed to receive a constitutional majority is declared lost. House Bill 2409, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2409.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2409 as amended is the recreation and reconstruction of the Illinois Domestic Violence Act of 1985. This is the work product of a joint committee of the Illinois and Chicago Bar Associations in conjunction with the various women's organizations. They have put together a new draft. There was a technical amendment that was Committee Amendment No. 1 to conform a provision to the already existing Criminal Code. Then there was a Floor amendment offered by Senator

Marovitz, again, in conjunction with the bar association groups that...that drew up this bill to clear up some ambiguity. The fact of the matter is, the Domestic Violence Act is expanded and clarified. It is a total rewrite incorporating what this General Assembly did two years ago in expanding certain of the definitions. I know of no objection and I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2409 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2409 having received the constitutional majority is declared passed. House Bill 2486, Senator Weaver. It's on recall. House Bill...2544, Senator Schuneman. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2544.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. House Bill 2544 is just clean-up language actually. A couple of years ago the City of Kewanee purchased from the State of Illinois a tract of land to use for park purposes. The deed for that property contained a reversionary clause and now in the intervening time the city has found some other land which they would like to exchange for the land that they bought from the State. They can't do that unless the State agrees to give them a quitclaim deed. And so House Bill 2544 was introduced to allow the State to do that. The bill has also been amended at

the request of Senator Darrow to allow the Adjutant General to negotiate with local units of government pertaining to...property owned by the guard. As far as I know, there's no opposition to the bill and I would urge its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2544 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 2544 having received the constitutional majority is declared passed. House Bill 2549, Senator Topinka. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2549.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, first off, the bill was amended so that it no longer reads the China development bill. It has been amended to read the East Asia development bill and it was heavily amended in the House so as to get DCCA's approval. What it does is creates and provides within DCCA the East Asian Development Advisory Board of Illinois for the purposes of identifying markets in East Asia for Illinois businesses and to assist those businesses in arranging marketing and financial assistance for the sale of their goods and services to East Asia. The board would be appointed by the Governor and confirmed by the Senate and it would be consistent of persons recognized in finance, international trade, business management, economics and construction. The object of that exercise being to get

people who are skilled in these topics out there so as to benefit our trade missions which have been going over there. They would not be entitled to any compensation. The board is also asked to work with the Agency for International Development, the Department of State, the World Bank, the Export-Import Bank and the Illinois Humanities Council. And that is it, and I...I will answer any questions or better yet appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2549 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, 1 voting Present. House Bill 2549 having received the constitutional majority is declared passed. House Bill 2562, Senator Etheredge. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2562.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen...of the Senate. This bill is permissive legislation designed to encourage or to induce farmers to participate in...with township government and county government in the use of natural snow fences during the winter time. I would be very happy to answer any questions. If there are none, then I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2562 pass. Those in favor will vote Aye. Those

opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2562 having received the constitutional majority is declared passed. House Bill 2564, Senator Jones. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2564.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. House Bill 2564 is the vehicle bill for the Exxon funds in the event that substantive language is needed after the negotiations have been completed. All the bill does is...is amend the department of...no, it...it lets the department of...let's see...department may receive the funds from the Petroleum Violation Fund and those funds are the funds that have been awarded to the State of Illinois as soon as negotiations are completed. Then if there is substantive language needed, this bill would be available and I move for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2564 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On that question, the Ayes are...take the record. On that question, the Ayes are 26, the Nays are 29, 1...1 voting Present. House Bill 2564 having failed to receive a majority...Senator Jones has...asked leave to put House Bill 2564 on postponed consideration. Hearing no objection to that motion, leave is

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granted. House Bill 2574, Senator Poshard. Read the bill,
Mr. Secretary.

SECRETARY:

House Bill 2574.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2574 authorizes municipalities which operate natural gas systems to form joint municipal natural gas agencies for the joint planning, financing, owning and operation of facilities relating to natural gas. According to the Illinois Municipal Utilities Association, House Bill 2574 would result in the following benefits. Due to larger purchases, local utilities may make lower cost natural gas available to their consumers. A municipality may have access to more than one gas pipeline and the Illinois gas reserves could be developed for municipality use under this bill. This bill does not permit municipal gas agencies any type of taxing power but does permit them to borrow money and issue revenue bonds. During the 83rd General Assembly the exact, similar legislation was passed to allow...municipalities to form joint municipal electric power agencies. This would extend the same privileges for joint municipal gas agencies. It's a good bill. I know of no opposition. I would...ask for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Donahue.

SENATOR DONAHUE:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DONAHUE:

Well, I'm just sitting...I...I was just reading through our analysis and I...and I don't mean to raise any questions really, but it says the agency has the right to...eminent domain without public hearings and to...is...is that true? I'll ask that first.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

One other question. Does...is there any referendum involved with these bonds or anything like this...I mean...is there any front-door referendums?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

These are revenue bonds. This is the same general eminent domain that is issued to every other local agency or local government. It already is accorded to the electric...agencies.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 2574 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2574 having received the constitutional majority is declared passed. House Bill 2582, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2582.

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(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is provide for the communication of information concerning missing children among law enforcement personnel and agencies, requires the Department of State Police to deposit unexpended I-SEARCH Grant Funds into the Missing and Exploited Children Trust Fund. I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2582 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2582 having received the constitutional majority is declared passed. House Bill 2590, Senator Schuneman. House Bill 2644, Senator Lemke. Read the bill, Mr. Secretary.

END OF REEL

REEL #2

SECRETARY:

House Bill 2644.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is requires every hospital to develop and adopt a protocol for the notification of paramedics and ambulance personnel who have provided or are about to provide emergency care of life supporting service to a patient who has been diagnosed as having a dangerous, communicable or infectious disease. The notification shall not include the name of the patient or any information contained in the notice shall be considered a...should...shall be considered a confidential medical record. This is to notify...our paramedics and our ambulance drivers who assist people that may have AIDS or hepatitis, mostly hepatitis because it's...it's curable and they would like to have this bill for that basis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WATSON:

Senator, how will this affect downstate hospitals?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

The hospital association and the firefighters have worked out an amendment. Their amendment is on there. It will affect...according to them, this is the amendment they wanted and we put it on there and I think the hospital associations have now signed on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Okay, but how does it affect downstate hospitals?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

If a particular person was brought into the hospital and had AIDS or...hepatitis, the hospital would notify them. There's no...there's no penalty provision in here, it's just a licensing problem with the...their hospital license. And I...this is what the hospital...association wanted and there's a...no criminal penalty I mean, and this is what they...they worked out with the...with the firefighters and I don't see any problem for the hospitals.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, I understand that there is a charge of...a fine, so there is some cost involved, but I understand what you're trying to do here. The only thing...and the problem I have is that...I see in our analysis it says the hospital "shall" and we're always talking about cost containment and trying to force down the cost of medical care but...every time we do something like this, somebody has got to pay and it'll be our local hospitals who in turn have to pass that cost on to the patients that are served by that particular hospital. So...I

mean, not that I have a real problem with this, but I just think we ought to be aware of...some of the things that we do up here and the impact it has on our local community hospitals. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR LEMKE:

I ask for this...piece of legislation for the protection of those paramedics and ambulance drivers who go to the assist and unaware of what type of disease the person they're saving the life has. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2644 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2644 having received the constitutional majority is declared passed. House Bill 2648, Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2648.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I would first ask leave to have Senator Rupp shown as a hyphenated cosponsor of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is there objection? Hearing no objection, leave is granted.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 2648 would allow

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a...a judge in a...in a criminal case to provide as a condition of probation conditional discharge or supervision to order that a defendant reimburse a local crimestopper program for expenses...incurred by the program in connection with the prosecution of the defendant's case. The amount imposed as a fine cannot exceed the maximum fine otherwise provided for a particular offense. The bill was amended to accommodate a request of the National Guard to allow a commanding officer of a military installation containing an armed storage facility to request information from the Department of...from the...Division of State Police, the Department of Law Enforcement on the identification of a person who is seeking or has sought access to such an armed storage facility. I would be happy to answer any questions and would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2648 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. House Bill 2648 having received the constitutional majority is declared passed. House Bill 2738 was put on the recall list. So, we will go to the top of page 6, House bills 3rd reading, we have House Bill 2741, Senator Maitland. Read the bill, Mr. Secretary.
SECRETARY:

House Bill 2741.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2741 allows for when the

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question of...of a new district is asked that there will be no limit on the amount in each one of the various funds. Currently, they are locked into a statutorily mandated level and that it takes subsequent legislation if, indeed, it is necessary to raise those rates and this would eliminate that provision. Secondly, it also allows for school districts involved in annexation of entire school districts to an existing district are entitled to the same supplementary State aid computation as we organized school districts are allowed. You may recall, that legislation was passed two or three years ago. Amendment No...the...the second amendment allows for...when there is an...a...a detachment from one school district to...to another school district that...that the pupils in the territory will be included in the State aid claim of the district annexed in the territory instead of the State aid claim of the district losing the territory. Currently, under the law, they are required to...to...to make payment. This allows for that account to be in...in the...in the formula. And finally, Amendment No. 3 is the components that were included in Senate Bill 1852 which allowed for the delay by three years of the implementation of the Board of Higher Education's course requirements for entrance into college...in the of fall of 1990.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2741 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2741 having received the constitutional majority is declared passed. House Bill 2757, Senator Luft. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2757.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 2757 is designed to offer an inducement to builders...of...that construct model homes to be used as sales tools for new homes. It proposes to eliminate the property tax on the model home; while it is being used to sell other homes, the property tax on the lot continues. As amended, we provide that no tract or lot of real property shall be eligible for this program for a period of more than ten years and we limit to a corporation, individual or sole proprietor or partnership three model homes at the same time within a ten square mile area subject to the assessment provisions of the section.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR FAWELL:

We're...we're talking about taking model homes off the...off the tax rolls? Is that basically what we're...we're talking about doing...the real estate tax rolls?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

For a period of...of up to ten years?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

A maximum of ten years, that's correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Do we have any idea of what this is going to cost the municipalities and...is the State going to have to come up with this money? I mean, are we...have we exempted ourselves out of the...the State Mandate's Act?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

In the House there was the question of did this apply to the State Mandate's Act and the question was, yes with a cost figure of approximately ninety thousand dollars per year; however, we have a new note from...on the State Mandate's Act and there is a possibility of this being under the fifty...thousand dollar threshold which then would not apply. It's very difficult. We have two questions; one...or two answers, yes on one with a cost figure of maybe ninety thousand per year and no on another one because they can't decide whether it will be over the fifty thousand threshold or not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR KUSTRA:

Senator Luft, I don't object with what you're trying to do here. I guess I do have one question. A lot of times in

my area the model home is also used as a sale's office. So, you have sale's people using it as place of business. If it's used in that capacity, is there anything in your bill that would...exempt that particular use from your exemption because I don't why a sale's office shouldn't pay property taxes if it's, in fact, a place of business.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

To be honest with you, I'm not certain. But the argument was in committee was, is this a model home with somebody living in it or is it, in fact, a business office? And if you remember correctly, they said, yes, that there would be a...more than likely a room or two rooms in there with an office for someone to come in and sit down and use...for the most part...anyway to some degree as a business office.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

First of all, I apologize, I wasn't in committee that morning because I wasn't down here yet...what...the situations I'm familiar with, you...you may have three or four or five model homes, only one of which is used as a sale's office, so the...the...homebuilder would still gain the benefit if you provided for an exclusion or an exemption. I guess my problem with this bill is that there isn't any such exemption that I can see provided, so in the case of the one home where you would be using it as a business office, you're letting them off the hook to pay property taxes too. I don't think that's equitable for the rest of us who are paying property taxes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the Senate, I rise in support of this bill. I think this really isn't going to cost anyone anything. All it's going to do is encourage developers to build homes and...and give them a little bit of a break on...on their tax until they...they sell the thing. I think this is a good bill and think it should be passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I, too, rise in support of House Bill 2757. We have all known the problems the homebuilders have gone through in Illinois. This would encourage them to build homes on speculation...to have model homes to sell those homes on speculation and in the final analysis, you know who really pays for that property tax, it's the poor guy that buys the house because when they finally get around to selling it, they have to add in those costs...along with their other costs to the selling price.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in opposition to the bill. I do appreciate the fact that the sponsor added two limitations on the availability of the assessment break to the form in which it was presented in committee where it was pretty much wide open, but I...I still think it's just filled with loopholes and potentials for...abuse, in addition to the one that Senator Kustra pointed out that I think has not really been adequately answered yet, and I would also suggest that I think it has a particularly peculiar way of operating in the one...county which lawfully utilizes classification in...in Cook County. It seems to me that there just is no real reason for...in effect, assessing downward the...the model home or the...the model home itself in contrast to a

lot of other perfectly valid uses of property that may have even more economic benefit; and with the lack of tightening of the availability of it, it seems to me that it's really a very dangerous precedent and on balance a very bad idea.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

A question, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR JEREMIAH JOYCE:

This would operate in what fashion in terms of a large development? In other words, if you had a development that was...I...I go out and I buy ten acres that's zoned...R-4 zoned, whatever and I have it...I have it rezoned to a higher use...a more valuable use and then I start putting foundations in the ground. How does this operate? Does...does...is...is all of the...the underlying property that has foundations, does that now retain its assessed valuation based on the previous zoning, the...the...the less valuable zoning?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

I'm not so sure I understand your question, Senator. If a developer comes in to develop a large tract, he is limited to three model homes at the same time within a ten square mile area subject to the assessment...now you understand that. Your question is...or does that answer?

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR LUFT:

Thank you, Mr. President. I'll be very brief. I think

in a depressed economy or a business such as the homebuilding association that this is really a minor way that we can help them and they estimate that only twenty-five of these homes are built per year, and as I alluded to earlier, if they max out the cost under the Mandate's Act would be only ninety thousand dollars a year which no one really thinks that we would get to that and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2757 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 2, 4 voting Present. House Bill 2757 having received the constitutional majority is declared passed. House Bill 2785, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2785.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate bill...House Bill 2785 requires the court to hold an adjudicatory hearing within a hundred and twenty days of a demand by any party on petitions alleging a minor to be delinquent in either of...authoritative intervention, addicted, neglected or abused. When a minor is held in detention or sheltered care unit, the hearing has to be held within ten judicial days of commitment if he's alleged to be delinquent...in need of intervention, addicted or within sixty days of commitment. Once a juvenile is ordered into sheltered care, it can be months or even years before the child's permanent status is adjudicated by the court.

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2nd Reading

Instead of committing that child for such a period to the public or private institutional care, this bill 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 pending. It would give standing solely to a person who is not accused of neglect or abuse to seek such action by the court, and the hundred and twenty day speedy trial provisions would be added to the bill...the effective date of the hundred and twenty day provision is January 1st of 1988. I know of no opposition, solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2785 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2785 having received the constitutional majority is declared passed. House Bill 2820, Senator Hall. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen. I'd like to have leave of this Body to change the lead...from...to Senator Keats over there instead of myself on 2820.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You...you've heard the motion. Is there objection? Hearing no objection, the motion carries. On House Bill 2820, Senator Keats. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2820.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. What House Bill 2820 has done is...Senator Hall has asked me to...to explain it and to handle it for it some questions. What the bill does is it sets up a manufactured housing system to allow some of these builders who actually work in Illinois. We have and have had for...since October of 1975, the Illinois Manufactured Housing and Mobile Home Safety Act. It has been very difficult for a manufactured housing manufacturer to operate in Illinois because of our tremendous diversity within the local government zoning requirements. What this does is...it still allows municipalities to do the basic zoning, it can do all the setbacks, can do...I could read you the whole list of requirements, side and rear yards, property lines, et cetera, but what it does is it makes it easier to produce the housing on that one location. I think everyone knows that manufactured housing costwise is quite reasonable, and if we are to talk about new housing for people in Illinois, we've got to get at a cost people can afford. Let me give you an analogy, if you think about it. This is a manufacturing concept, no different than a General Motors, no different than a GE. Do we say to General Motors that you have to manufacture one type of car in one location and another type of car in another location? No, we don't since they're a manufacturer...we set the code comparable for all the cars. We don't tell General Electric to make one type of toaster in Chicago and another type of toaster in...in Champaign-Urbana. Well, this is a manufacturing concept, the exact same thing and all we're saying is that in terms of a basic structure, you can make it the same everywhere. All the other local zoning requirements are completely in place and are no way affected.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. This is the same bill we've had some debate on before. The question, basically, has not changed. I think that as far as many of us are concerned, there's really no question, perhaps, as to the quality of the work, we're not...impinging on that at all. What we are wondering about though is...I think the sponsor read off those parts of the control, shall I say, that are going to be permitted for the cities to do. He did not read off that the local taxing bodies are going to set the tax. Who does that, Senator Keats?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

...are...if you're referring to property taxes, they're established based upon...with equalized assessed valuation balances off what the assessor does in terms of appraised value.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

But doesn't this bill specifically say and point out, as you were doing, the parts of this that are given back to the cities to control? All the other parts are left in. That's the approach that you gave me. You said these are the things that the cities can control. There was no mention about taxes and as far as...any...any other part of it is concerned, this control of housing has long been the province of the local governing units. To take it away is an impingement on the home rule situation. I ask also at this time for a ruling from the Chair as to the number of votes that would be required to pass this particular bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, our Parliamentarian has informed me that under

Article VII, Section 6 of the Illinois Constitution, House Bill 2820 will require thirty-six affirmative votes for Senate passage. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senator...Rupp is absolutely right. What this bill is endeavoring to do is take away the rights of the municipalities in determining what kind of structures they should have as to whether they comply with all their ordinances, and I think this is a bad precedent. It...it...violates the police powers of the municipalities and I certainly urge a No vote on it, and I'm rather surprised to see it coming from the other side, 'cause I don't think that my colleague who's sponsoring the bill now would like to have any kind of housing imaginable put up in Kenilworth or Evanston or Wilmette. I think that his municipalities will want to control just what's going to go on and I think it's a bad precedent to take it...the right away of the police power, the right away...which is the right away of the municipalities to determine what kind of structures they should have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DAVIDSON:

Senator Keats, does this bill...does this bill allow the manufacturer to do the own inspection and do the own certification that this meets the plumbing and electrical, et cetera standards or do they have a nonpartisan, professional certification group certify that this has met all the uniform building code standards?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Part of that is not addressed, but many of the codes, particularly performance based fire code requirements, et cetera, those are not changed, so I...I'm...I'm not a hundred percent sure I've got the question. Most of those are not addressed which would not change it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

No, I understand you're not changing. I want to know, is the manufacturer doing the...the on-site inspection themselves and certifying it meets the standards rather than having a...a nonpartisan professional certification group do it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Under the existing code...now this is not a change, this is the law today and let me read it to you and I think this answers your question. This is the law today, this is not this bill. "Code compliance certificate means the certificate provided by the manufacturer of the...that warrants that the manufactured...manufactured housing unit or mobile home complies with the applicable code," et cetera. Based upon that Section M of the existing code would I think say...but that's the law today, this bill does not in any way deal with that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

That's not my question. I understand what the law is today, but like...let me give you an example, Wausau Homes which are recognized and accepted here because during the manufacturing, the inspection and certification of the uni-

form code that's being...being met is done by an outside professional group who does the inspection; and I understand from this bill, you're allowing the manufacturer of the housing to do their own on-site inspection.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

I'm...I'm rereading the amendment again and...and, Doctor Davidson, I understand what you're saying, but...it doesn't say that. I'll...I'll be glad to show you the wording, that isn't what...remember this whole Act that we're talking about in reality is a change of about twenty lines. I think what you're saying is the law today, and I'll show you the...the roughly twenty lines we're talking about. I cannot find that in the bill. So if it's there, that would be someone's interpretation, that is not what it says in writing though.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson. Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WEAVER:

Senator Keats, how many cities in the State of Illinois have dealt with manufactured housing as far as rules and regulations, building codes?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

October of 1975, when the present Act was passed, it authorized any municipality to do it and none...none have at this point. They are free to do it. They have simply not done it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver. Senator Nedza.

SENATOR NEDZA:

Yes, thank you, Mr. President. In response to Senator Davidson's question, I think maybe I can clarify that a little, Senator. From what my understanding, this particular bill addresses...the code that is being addressed in this is the Building Officials Conference of America, which is BOCA, which is a minimum code that is applied across these United States. You'll find that most municipalities have codes that are more stringent than the BOCA codes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

In response to...to Senator Weaver's, I think, question which is my basic concern as to why we should not at this time enact any State laws, we have not had enough experience factors and experience data to make a definitive decision as to what kind of rules should be established...uniform rules at a...at the State level; and for that reason, I don't think that we should move on passing this bill at that time until we have had enough experience with manufactured housing in the State of Illinois to make some intelligent decisions as to what kind of uniform rules that's necessary to ensure some kind of unanimity in terms of the overall...regulations for...the housing industry. I am very concerned, this bill leaves too many questions open in terms of...of...of...of...of...of...of the building regulations, the code regulations in the various units of...local municipalities. Zoning laws, those questions are not clearly defined and...and maybe even to the point of...of...of just who...as...the questions raised by Senator Davidson as to whether or not we want this industry to regulate itself. We just don't know at this point, and for that reason, I think we should defeat this bill or that the sponsor should recom-

mit this bill back to committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpel. We have two other Senators for the second time that are seeking recognition, Senator Geo-Karis and Senator Rupp. Senator Geo-Karis.

SENATOR GEO-KARIS:

I apologize, Mr. President and Ladies and Gentlemen of the Senate, for speaking a second time, but let me point out something to this Assembly. The Manufactured Housing and Mobile Home Safety Act was enacted in 1975 and required the Department of Public Health to regulate the safety of manufactured housing; however, that Act does not apply to municipalities that enact their own manufactured housing codes. Now, Senator...Nedza was right, because if you notice what it allows the unit...units of local government to do, it does not allow the units of local government to set their own standards and the quality of the materials put into those manufactured homes. This bill has been put forth here at the request of an Ohio company and...and I...I think we better take a look and see how we can help our own people, and the...the only way we're going to help our own people have good standards is by letting the municipalities make the decision and not take away the right from the municipalities to decide as to the quality of the type of building to be put in their municipalities. And I certainly urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank...thank you, Mr. President. I would like to have the sponsor who has a copy of the bill to read for the benefit of the Body that portion, I think it's on the bottom of page 2 which states what the policy of the State shall be in regard to manufactured housing. I believe it says that it's

going to be the State who will control this from now on. That is a radical departure from what it has been over all the years. It's been a local...responsibility. Many cities have not perhaps come up since we put this last bill in to change their code, but over the years...I remember when I was mayor, we did address this. There were many problems, we found trailers where they had taken wire when they're putting in the electrical wiring and just wrapped it around a...a heat pipe, things like that. That's why we have come back and that's why it's so important to have the control locally so that we can check them before they are finally finished. I last...would...repeat my request to have the sponsor read that part about the change to being State policy from now on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR KEATS:

I thank you, Mr. President. I ask everyone to listen for a moment 'cause several things have been said that although well-intentioned are not accurate. If you'll listen, I will gladly correct several of these...several in particular. First of all, on the inspector issue, there will be third-party inspectors. The builders do not certify themselves, it's a third-party inspector; and while that is not in writing, it comes from another part of the Act and so I'm just clarifying that and it...it's not amended, it's staying as is. Let me give a couple of things. The taxing power, this does not...deal with the Revenue Code. Property taxes are totally...local function, so this would have nothing whatsoever to do with property taxes 'cause that's a local function and is under the Revenue Code and is not covered in the Manufactured Housing Code; therefore, this amendment would not state it. Concerning taking care of local companies. There are about two dozen of these manufactured housing companies

certified in the State, five of which are Illinois based companies. It's not as if none of them are Illinois companies, they're Illinois companies, they're no different than many other manufacturers, and I want to stress this concept of manufacturing. We don't tell General Motors to build eighteen different cars, we don't tell General Electric to build twenty different toasters, we don't tell all these different companies to build all these different manufactured products by different standards. The point of manufacturing is to hold down the cost by doing things the same. Why should GM have one standard set, who's a manufacturer, where some of these industries, many of which are Illinois based companies, would have a different standard set? They're all manufacturers. So, I would stress that idea and saying these codes are not high, I mean, you know, they meet the Florida codes which require a hundred and twenty-five mile an hour wind protection. Also, one of the major manufacturers has committed the first year this passes they will put in ten multifamily housing projects in Illinois, that's about two million dollars per; half a million dollars of on-site local work, and so by that, that comes out five million dollars of local work from one company just for local Illinois subs...subcontractors; and what the home rule unit still have the power to do, and this is what people keep missing, they enforce land use and zoning requirements, for...based fire code requirements, building setback requirements, site and rear yard...side and rear...rear yard requirements and property line requirements, units of local government having home rule have the authority to regulate all these various units, et cetera. All we're saying is manufacturers should be treated like manufacturers. The rest of the things said, although well-intentioned, in many cases just don't apply. I'm not saying they aren't good arguments, they just don't happen to apply to this bill...in that case, I would solicit an Aye

vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2820 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted...have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 19, 1 voting Present. House Bill 2820 having failed to receive the constitutional majority is declared lost. House Bill 2917, Senator Netsch. Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2917.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 2917 relates to the Pharmaceutical Assistance Act which the General Assembly passed, I believe it was two years ago. Originally we limited it to cardiovascular medicines. As you know, the pattern is such that those who are income eligible for the circuit breaker program are permitted to participate in this program; and it is, of course, designed for people who have particularly heavy medical bills as a result of their sometimes old age...infirmities, but in order to participate, they must waive or in effect turn in their eighty dollar supplemental grant, which is also available to those who are income eligible on the same standards. The bill in its present form would extend the Pharmaceutical Assistance Act to those who are in every other respect eligible, who are suffering from diabetes and are therefore able to...get insulin and other diabetes related drugs and from arthritis. There is also a provision that was worked out between the

Department of Revenue and the pharmacists which redefined the reasonable cost which is part of the basis of the Act and I think was...as I understand, it was satisfactory to everyone. Also somewhat extended the period for reporting and established the...the fee to be paid to the pharmacists at three sixty which it was believed would be the fee to be set for public aid before the end of the fiscal year. I would be happy to answer any questions; if not, I would urgently request your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR WATSON:

There was another provision that was passed out earlier in regard to similar type of legislation which also added arthritic drugs and this does not include that. Is that correct? And if not, where is that particular piece of legislation at this time?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

No. As I explained, as introduced, the bill dealt only with diabetes. As amended on the Floor, it also extends to the arthritic drugs. So, in that respect, it is in the same form as the earlier Senate bill that we passed several weeks ago.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Then I'm correct in saying it is diabetic and also

arthritic. Okay. What...our analysis...it only refers to the diabetic cost...of 3.2 million. Do you have any idea what the cost might be and also will those costs reflect the people that are already in the program that are receiving the heart medication, of course, those people won't have to reapply. So, can you give us those figures?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

I do not have an exact cost for the arthritic part of it. The fiscal note that was put on the earlier bill, that is the Senate bill, was a little bit confused in that respect. It but a 3.2 million dollar cost and was...to be perfectly honest, I wasn't quite clear whether it covered both parts or only one part, that was not entirely...as I say, clarified. I have found in my old files when we first passed this bill a few years ago that...some statistics that we had at that time on the basis of which of we had agreed that we would start out with cardiovascular and then just slowly add things as we went along, and somewhat interestingly, these statistics showed that of the percentage of sixty-five and over population who have chronic conditions, 16.12 percent had chronic heart conditions and only ten percent chronic arthritis conditions. I might have guessed that that would not be so, but these were figures that we had obtained at that time. The cost of the program to date, as you know, has been extremely modest and my guess is that, at least initially, it will be very modest also for this. I mean, just...that's simply based on experience, but to give you an exact, accurate dollar figure, I'm sorry, I do not have it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Okay, thank you, Senator, and...as far as the practicing

pharmacists out in the field, this has been an excellent program, one in which has been well-received. Initially, there was a problem in getting people signed up and...and bureaucratic problem in getting all that done but, basically, it's been a good problem for pharmacists...or a good program for...for pharmacists. I do have a...naturally have a conflict of interest and I will be voting my conscience, but appreciate the sponsor answering the questions. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Netsch wish to close?

SENATOR NETSCH:

I think the...my...in closing, might I say that I had forgotten earlier to add Senator Holmberg as a hyphenated sponsor, and Senator Berman also would like to be added as sponsor and I suspect before we fininsh, a lot of the rest of you might want to also. This is a...a building on a block that we all well established several years ago. I made it clear when we first passed this bill that we would add to it. We would add to it fairly gradually. I think this is a responsible add-on. It does deal with two of the major conditions that beset older people on a chronic basis and, again, if our experience with the cardiovascular gives us any guidance, I don't think it is going to be inordinately expensive, although it's going to cost something, but it is extremely important to elderly people who are on fixed incomes. I would urge your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 2917 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 3, none voting Present. House Bill 2917 having received the constitutional majority is declared passed. House Bill 2937,

HB 2937
3rd Reading

Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2937.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 2937 is a bill that would reduce from three to two years the length of period in which a sales taxpayer would be in compliance to be exempt from the bonding requirements and this is a situation where you have motor fuel taxpayers that currently bonding companies are not willing to write the bonds and the...because of the insurance crisis. The Department of Revenue indicated that simply by extending or reducing the number of years would be a reasonable compromise and they have no objections. Amendment No. 1 also applied to the sales tax allowing individuals...at least diesel fuel taxpayers who have been issued a tax credit to be able to apply that during the current quarter rather than in the succeeding quarter and...I don't know of any opposition to either...either proposal and I would ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 2937 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 2937 having received the constitutional majority is declared passed. House Bill 2958, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2958.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. The Calendar is accurate in...what the original bill did. It is to allow direct deposit of payments for general assistance and ADC directly into a bank or a savings and loan institution, which I think is a good law. Amendment No. 1 which was put on in the committee disallows garnishment of circuit breaker payments, and the third amendment, which was a Floor amendment that was put on, states that a qualified organization for State payroll deduction is reduced when twenty-five hundred to fifteen hundred employees. I don't know of any problem with either of the amendments or the original bill. Would be happy to answer any questions if you do have any; if not, move for a favorable roll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

According to our analysis, this is supposed to cost about three million dollars. Why would it cost that much? Do you have any idea?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I have no idea either. I don't think there's any cost involved in this. Like I say, the original bill...all

it does is all the ADC and general assistant checks to be mailed directly to the bank or savings and loan that the recipient may want it mailed to. That certainly isn't going to cost any three million dollars. The postage, whether you send it directly to the individual or to the financial institution, can't be any different, so I have no idea where that's coming from.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 2958 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Aye are 51, the Nays are 6, none voting Present. House Bill 2958 having received the required constitutional majority is declared passed. Page 7, 3019, Senator Joyce. House bills 3rd reading, top of page 7, House Bill 3019, Mr. Secretary.

SECRETARY:

House Bill 3019.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This...the Beef Marketing Development Act became law in 1983. In 1985, Congress passed the Beef Promotion Research Act and this bill is necessary to bring the Illinois law into compliance with the Federal law, and I'd ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3019 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3019 having received the required constitutional majority is declared passed. 3036 is on the recall list. 3043, Senator Lemke. House bills 3rd reading is House Bill 3043, Mr. Secretary.

SECRETARY:

House Bill 3043.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is...it...it allows for the...State Mandate's Act due process of mandates which concern the administration of justice that they are reimbursed to local governments...and the effective date of this Act and makes some technical changes. It also adds the...Senator Joyce's amendment for civic centers and grants...certifying as eligible for State financial support between January 1st, '84 to January 1st of '87 to retain interest earned on the State monies granted to them, creates the West Frankfort Civic Center Authority, permits Herrin and Jefferson Counties Civic Authorities to issue General Obligation Bonds, referendum approved, and exempt from the Illinois Grant Fund Recovery Act certain appropriations to the Department of Commerce and Community Affairs. It also authorizes the State's Attorney's Appellate Commission to disburse funds to counties on a per capital basis as reimbursed for the cost of various criminal justice activities. I ask for favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, this seems to establish a special State mandate's provision that applies only to matters of due process. Could you...define a little bit for us what all would be included within this mandate?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Yes, the State's Mandate Act defines a...a due process mandate as the following, "Administration of justice, notification and conduct of public hearings, procedures for administration and judicial review of actions taken by local government bodies and protection of the public from malfeasance by local government officials."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I...I rise in opposition to this bill. According to our analysis, the fiscal impact of this bill is estimated to be more than twenty million dollars per year. I think many of us in this Body voted for a State Mandate's Act a few years ago which has been largely ignored by the General Assembly. We found ways of...of getting around it. Now the sponsor seeks to establish a special State mandate's provision that applies only to issues pertaining to due process, and while some of these issues perhaps are worthwhile, I think it's a mistake to establish a special category for State mandates and I would urge opposition to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Just a point of...of information, Mr. President. Inas-

much as this bill calls for General obligation Bonds, doesn't it take thirty-six votes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR GEO-KARIS:

Inasmuch as this bill provides for General Obligation Bonds, doesn't it require thirty-six votes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Mr. Secretary, can I see the...Senator Lemke.

SENATOR LEMKE:

This does not call for State General Obligation Bonds. According to this, it calls for the civic centers to issue General Obligation Bonds by referendum only.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Geo-Karis, I'm told that it does not pertain to the issuance of bonds, only to the disbursement of the interest and, therefore, would, in fact, require only thirty votes. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, on that point, I'm not tuned in completely to the amendment, but as I understand the civic center bonds, those bonds are authorized and sold by the State of Illinois and I would think that if, in fact, this amendment increases the authorization, that it would...that the bill would require an extraordinary majority.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We'll get right back to you in a second. Senator Jerome Joyce. Senator Joyce.

SENATOR JEROME JOYCE.

Well, yes, this...this amendment to the bill is not the amendment selling the bonds. What...what...the basics of premise behind the amendment dealing with the civic center is that they can keep the interest that they make on money that was granted to them in the past, either through civic centers

or through DCCA. And, in fact, the...the not-for-profit group at Manteno, Illinois and that...where they changed the Manteno Mental Health Center received a grant and they would have to...if we don't pass this legislation, the State gets the interest on that...that money and the same thing applies to civic centers and that's the...the basic premise behind the...that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I...I'd like to concentrate on the original bill rather than the amendments for a moment. As I read this,...as I read this bill, if in our deliberations, Ladies and Gentlemen of the Senate, we determine that a certain procedure such as a...a hearing in court or notification to a defendant or a procedure involving a local administrative procedure requires any kind of expansion...expansion so that our citizens are afforded due process, we, as a Legislature, won't be able to pass that bill unless we pay a hundred percent of that increased cost. Now let me suggest to you that in the abstract that may sound fine in State-local relationships, but part of the judicial system and part of the administrative system of our government of Illinois is a combination of funding, both locally as well as State, and I think that there are times when we find that in order to protect the rights of our citizens that there has to be certain provisions passed in certain bills. And I think that this original provision in this...legislation unduly handcuffs us to make sure that all of the citizens of Illinois are safeguarded in due process procedures at the local level. So, I would suggest to you that notwithstanding some of the questions raised about the amendments, I think the basic bill is flawed. I think it's the wrong approach to take. It severely limits our discre-

HB 3044
3rd reading

tion as a General Assembly and I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? All right, Senator Geo-
Karis, in response to your question, House Bill 3043 does not
increase the State's authorization to issue General Obliga-
tion Bonds but...it rather deals with who is entitled to
the interest on those bonds issued by the State for civic
center authorities. And extraordinary...an extraordinary
majority is not required and House Bill 3043 will require
thirty votes for Senate passage. Senator Lemke may close.
Senator Lemke.

SENATOR LEMKE:

I ask for favorable consideration of this piece of legis-
lation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Lemke has...the question is, shall
House Bill 3043 pass. Those in favor indicate by saying Aye.
Opposed Nay. The Ayes...the question is, shall House Bill
3043 pass. Those in favor will vote Aye. Those opposed Nay.
The voting is open. Have all voted who wish? Have all voted
who wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, the Ayes are 27, the Nays
are 29, none voting Present. House Bill 3043, the sponsor
requests postponed consideration. Postponed consideration,
Mr. Secretary. 3044, Senator Lechowicz. House bills 3rd
reading is House Bill 3044, Mr. Secretary.

SECRETARY:

House Bill 3044.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

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

Senate. House Bill 3044 as amended would require the State...a local board relations to order an election within a hundred and twenty days of a petition being filed and if after hearing upon petition of a public employer, the board determines there is a need to resolve that question of which organization represents a bargaining unit. However, the board or parties involved are allowed to seek a court order for a thirty-day extension of the hundred and twenty day election requirement. All parties if they mutually agree may extend a...hundred-and-twenty-day period without seeking a court order. That's all House Bill 3044 does. I seek your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3044 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, none voting Present. House Bill 3044 having received the required constitutional majority is declared passed. 3058 is on the recall list. 3062, Senator Poshard. House bills 3rd reading is House Bill 3062, Mr. Secretary.

SECRETARY:

House Bill 3062.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As amended, this bill provides for a study by the State Board of Education on the status of latchkey programs in Illinois. Additionally, it precludes either school districts or unsatisfactory teachers from calling the consulting

teacher to testify with regards to opinion of performance or the rating of the teacher under...remediation in any dismissal hearing. This language was originally contained in Senate Bill 1861 and passed from the Senate without dissent. The bill also establishes that all public school teachers not covered by last year's reform be evaluated each year. This ensures that all nontenured teachers are evaluated. The purpose is to ensure that we are evaluating the new teacher so that both the school district and the teacher will know how they're doing. It only seems fair to evaluate all of our teachers. This bill does not require that nontenured teachers be covered by the same evaluation instrument that was passed regarding tenured teachers. I would just ask for favorable consideration of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Poshard, I...I followed your explanation and I believe that the explanation, perhaps, might be a little bit different than the explanation we got when this bill was amended on 2nd reading. Is...is that not correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

No, I don't think it is different, Senator Maitland. Thank you for the question, but I think what we indicated on 2nd reading, in the amendment, was that the same process for nontenured teachers would be used as a...is used for tenured teachers but not necessarily the same evaluation instrument

has to be employed.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I specifically asked a question on 2nd reading, would we use the same components for evaluation that were contained in Senate Bill 730 when it passed out of this Body last year? And to that question, I had an affirmative answer, which would mean to me that...then as you evaluated those nontenured teachers, you would use the same process which would mean that if it was necessary to remediate the teacher, there would be a subsequent year of...of...I mean, if a...if a tenured...nontenured teacher did not get a favorable evaluation, then there would be a year of remediation, and that all is contained in 730 and, obviously, if it was necessary to follow all of that, you might get beyond tenure. And, again, I have to ask the question, would you please separate out the parts that are going to be used and the parts that are going to be used.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Senator Maitland, as I understand it, the process that would necessarily be used for tenured teachers, because they've been there longer and have more experience, may differ from that than would be used for a nontenured teacher in that it would maybe not need to be so lengthy and so specific. If I understand the remediation process...an administrator may sit down with a tenured teacher and determine from among a number of different categories of evaluation all kinds of logistical things, did they get to school on time? is their room clean or do they have proper discipline? what kinds of particular study aids do they use? how do they teach in terms of their methodology and so on. That may be exten-

sive in terms of a tenured teacher, and once the agreement is reached in terms of a...an outline for that teacher to remediate over the next year, that's fine. That same process may not necessarily need to be used as...extensively with a nontenured teacher who's only been there for a year. You may not need to get into that involved an evaluation, and all we're saying is...is that the instrumentation, the evaluation instruments used for nontenured teachers need not necessarily be the same as for tenured teachers. The process may, indeed, be similar but the evaluation instruments may not necessarily be the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Again, for clarity, Senator, it is my understanding...and the language is very simple and it simply says that a nontenured teacher will be evaluated at least once a year. This means that none...none of the components contained in Senate Bill 730 then would apply to the evaluation of nontenured teachers. Is that not correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Forgive me, Senator Maitland, I was speaking with staff as you were speaking, but as I understand it, the process may be the same as for a tenured teacher but it also may differ for a nontenured teacher. It depends upon the needs of the particular district in evaluating those teachers at whatever point of experience they're teaching.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

I'm...I'm...thank you, Mr. President, I'm...I'm sorry, Senator, but...but there is some confusion on this, I'm...I'm

sure. I...I...I really have, I guess, no problem of valuating a nontenured teacher. I think that perhaps is good if...if the school wants to do that, now they will be mandated to do that, that's fine, but...but permit me to indicate to you a concern that I have in that if this teacher is in the second year of nontenured status and receives an unsatisfactory evaluation, there are certain things that have to happen to an individual who is being evaluated with respect to the following year, and, you know, you're not going to extend tenure to an individual like this, I don't believe, and it concerns me somewhat.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Poshard.

SENATOR POSHARD:

I think, Senator Maitland,...I guess I'm not specifically sure of the question you're asking but the evaluation and remediation procedures for tenured and nontenured teachers are in separate sections here. They do not necessarily have to apply one to the other.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, Senator Maitland.

SENATOR MAITLAND:

Well, thank you,...Mr. President. And, okay, Senator, I believe that what we are saying is that we will simply evaluate a teacher, a nontenured teacher, simply to help that teacher improve upon his or her skills and there will be no real extension of tenure based on what's contained in 730. It's simply an evaluation and that's it, separate section, totally unapplicable to Senate Bill 730.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Poshard.

SENATOR POSHARD:

Senator Maitland, that is exactly correct. Forgive me if I didn't understand the thrust of your questioning. There is

no intent here whatsoever to keep a teacher on another a year simply to fulfill an evaluation procedure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If we keep up this pace, we're going to be here all night. Further discussion? Senator Poshard, do you wish to close? Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. I would simply ask for a favorable response to this bill. I think it is...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3062 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3062 having received the required constitutional majority is declared passed. House Bill 3080, Senator Joyce. On the Order of House Bills 3rd Reading is House Bill 3080, Mr. Secretary.

END OF REEL

REEL #3

SECRETARY:

House Bill 3080.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. House Bill 3080 ensures a duty-free lunch period of thirty minutes for full-time noncertified school personnel. Under present Illinois law, the teachers are provided with this lunch period and under Chapter 48, Section 8C of the Illinois Revised Statutes, other nonteacher employees have this lunch break provided by law. This group does not and...under House Bill 3080, we will put them in the same position as teachers and other employees. Be happy to answer any questions and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

I will make this very brief but I have received four phone calls so far from nonpersonnel employees who do not want this bill, because they don't take a lunch hour so they can get out earlier.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Watson.

SENATOR WATSON:

Thank you...thank you, Mr...President. Just to follow along that, what happens in a case...in a situation where an employer and employee want to make such an agreement where

they would like to get of early and take that...and work through their lunch hour? What happens in a case like that under your bill here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I assume reason prevails.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Someone said law supersedes reason. I...I...I don't look at this as a reasonable approach, Senator. I...we gave...we gave the...the teachers and the bargaining units collective bargaining, don't they have this locally? Can't this...be something decided locally? Why do we have to come to Springfield to...to establish legislation such as this which will, I think, create more of a hardship on the employee, now I'm talking about the individual who's working than it is going to be a benefit. I...I just think that if this is something that ought to be done, it ought to be done locally and let them decide it locally than...than coming here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I believe the Body should look at this bill very carefully as already articulated by the two previous speakers. We're talking here about noncertified people, first of all, and let me present to you another possible problem. What about the secretary who for whatever reason has to maintain...or has to be in the office during the lunch hour on...on an occasion once in a while to answer the...phone, respond to different problems that are...that are taking place in the school? If you have a locked in State law, as we are doing here right now, she

simply would tell her supervisor, whoever that is, superintendent, principal, who...or whoever, when he made an unusual request on a given day to be there to go fly a kite, State law says she doesn't have to do it. Now, the point was very clear...clearly made by Senator Watson. We...we have given them collective bargaining, I believe that...that this is an area where we should not be dealing and we're creating some very serious problems here for the...daily operation of the school, and I urge would resistance of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Joyce may close.

SENATOR JEREMIAH JOYCE:

Well, these are the only people in the State of Illinois that are not ensured a thirty-minute lunch break. I mean...these employees that you are talking about, that you are so concerned about, these four employees in DuPage and these employees that Senator Watson knows about, I mean, if their concern is that they have a different schedule and they are not going to be able to maintain that schedule because they will be forced to sit down and take a thirty...minute lunch break, I mean, I can't in my wildest imagine a supervisor and an...and an employee in that situation that will not be able to accommodate themselves to this situation. These are the only employees in the State of Illinois that are not ensured a thirty-minute lunch break. I ask for your support on House Bill 3080.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 3080 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 19, 1 voting Present. House Bill 3080 having received the required constitutional majority is declared passed. Page 8...turn to

HB 3089
3rd Reading

page 8 now on your Calendar, 3089, Senator Rock. House bills 3rd reading, top of page 8, House Bill 3-0-8-9. Mr. Secretary.

SECRETARY:

House Bill 3089.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is...House Bill 3089 incorporates two changes that were thought necessary by the State Board of Education. It would include in the Math and Science Equipment Loan Program that this General Assembly authorized in 1985, it would include instructional materials and, further, it changes the Vocational Equipment Program to a grant program and deletes the requirement of loaning...heavy equipment. It simply makes it a grant program. I know of...the only opposition I'm aware of comes from an educational group, it was heard in committee. The State board feels that if we are to implement these two programs for which we have appropriated some twenty-five million dollars that these changes are absolutely essential, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3089 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3089 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 3157, Mr. Secretary.

SECRETARY:

HB 3175
3rd reading

House Bill 3157.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke, 3157?

SENATOR LEMKE:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill...makes any device used in obtaining utility service without paying full charge or by tampering with any meters...as to cause inaccurate measurement of utility services prima facie evidence of the crime of...unlawful interference with public utility services. It enhances the penalty. I think it's a good bill, I ask for its adoption.
PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3157 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3157 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 3175, Mr. Secretary.

SECRETARY:

House Bill 3175.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, members of the Senate, House Bill 3175 authorizes city colleges of Chicago to make a transfer

from working cash funds to the Educational Purposes and Building Maintenance Purposes Funds under certain circumstances. Also, there was a provision put in in the House that requires a majority vote in the total territory petitioning for a new community college district rather than a majority vote of each city, village and unincorporated area within the proposed district. What it basically does, it allows the city colleges of Chicago upon a resolution by the board to switch from a full...a...basis of accounting for the recognition of local property tax revenues to a basis of accounting which parallels the...generally accepted principles of the National Council on Governmental Accounting, Interpretation No. 3. That's the basis of the bill and I would move its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Savickas, does this mean that an area that currently is not in a community college district can be brought into that district if the rest of the people choose to bring them in rather than they themselves choose to go in?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

I didn't hear your question, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR SAVICKAS:

I understand this...this...portion of it was put in by Senator Maitland's Representative and he could probably speak

to this a lot better than I can.

PRESIDING OFFICER: (SENATOR DEHUZIO)

(Machine cutoff)...DeAngelis.

SENATOR DeANGELIS:

Well, let me ask my question again. Does this mean...I have a portion of my district that currently does not reside in a community college district. Does this bill mean...not anymore? Well, then, what the heck does this do?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

As I said, Senator, this particular portion of the bill that you're concerned about was put in by Senator Maitland's Representative to answer a problem evidently in his area. If Senator Maitland is there, he...maybe he can address this particular portion of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, from what I understand, the question that I asked has been covered. Maybe Senator Poshard can enlighten us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Poshard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. Senator...DeAngelis, it's my understanding, I could be wrong about this, but did we not pass a bill last year which put every area of the State under a junior college jurisdiction? I thought we did.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator...Senator

DeAngelis.

SENATOR DeANGELIS:

Well, I can tell you, there's a part of my district that's not under the community college district. It might have passed the Senate and then it didn't go all the way through, but...well, what the heck does it do? Can anybody explain it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, everybody is pointing at everybody else. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. It's my understanding that under the Community College Act presently, to...to form a new district, the...the referendum has to pass in both the unincorporated and the incorporated areas of the proposed district. This amendment, as I understand it, changes that to allow for simply a majority of those voting in the affirmative to affirm the new district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The Chair would like to acknowledge the presence of the Attorney General of...of Illinois, Neil Hartigan. Welcome to the Senate. The former Treasurer, Jerome Cosentino, is also on the Floor. Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, I would move its...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I'm not cutting...I...I thought that the gentleman had...had asked a question. So...apparently, he has not. Senator...further discussion? Senator Keats.

SENATOR KEATS:

Yeah, I...I just would ask a question of the...or a favor of the sponsor. I mean, this provision in terms of...of throwing...community college district even though certain portions are dramatically against it. I have areas of mine

that have voted as often as nine times against community college districts. This would force them in against their own will. Some people are saying that bill passed last year. My understanding is it passed the Senate and failed in the House and did not come back out of the House. Okay. Are you sure...could...could we ask you just to check that? Could we hold up long enough to check that to make sure this is not a new law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we're going to be here all evening. Senator Rock.
SENATOR ROCK:

No, I was the sponsor and was present at the signing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I'd forgotten some of the bad bills you had sponsored, Mr. President. Okay, with that, then, I would simply say to all of us who over the years have said to some of our community college districts that this perhaps ought to be optional, this is a provision that...that does make that even tougher for those who would like to leave it optional. Some of the rest of the bill wasn't so hot either, but that part is a major one that I think somebody should be watching.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I would just say that this is a good bill. It does clean up the language and I would urge its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 3175 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes

are 44, the Nays are 9, none voting Present. House Bill 3175 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 3187, Mr. Secretary.

SECRETARY:

House Bill 3187.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate...House Bill 3187 as amended expands upon the provisions dealing with chronic truancy that we passed in Senate Bill 730 last year. This defines the chronic truant, also defines...gives the definition for truant minor, provides for the lowering of grades if necessary in dealing with these truants; and the bill is supported by the School Board Association, the PTA and the Truants Alternative Network. Be glad to respond to any questions and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 3187 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 3187 having received the constitutional majority is declared passed. House Bill 3200, Senator Maitland. House Bill 3213, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3213.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3213 affects to my knowledge only one residential facility in the State of Illinois and that is a residential facility called Little City. It has to do with the severely and profoundly developmentally disabled adults. This resolution as contained in 3213 is the result of an agreement between the Department of Public Health and the Department of Mental Health, both departments support this legislation. I know of no objection and I would solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 3213 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 3213 having received the constitutional majority is declared passed. House Bill 3266, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3266.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. House Bill 3266 as amended will allow any public or private college or university to...or governmental agency or public or private not-for-profit agency to use the Board of Governors cooperative computer center. The Board of Governors and the Board of Higher Edu-

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cation are in support of this legislation and have a 4.9 million dollar appropriation which is in the BOG's appropriation bill which is Senate Bill 1605. I know of no opposition and would ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 3266 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 3266 having received the constitutional majority is declared passed. House Bill 3267. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3267.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

House Bill 3267 does...as amended does three specific things. It removes the limitations on the Board of Regents, the Board of Governors and Southern Illinois University to accumulate reserves in amounts no greater than their deductible portion of insurance. House Bill 1115 or the Public Act 84-10 authorized the creation and operation of a self-insured reserve for the Board of Regents and for the Board of Governors and...and SIU. Secondly, it would empower the Board of Regents, the Board of Governors and Southern Illinois University to self-insure. And, third, it would allow the Department of Central Management Services to administer any self...insurance program that's selected by the State. Appropriations for the self-insured health plan shall be from the Health Insurance Reserve Fund, and the appropriations for the self-insured program would go directly to Central Manage-

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ment Services, and Central Management Services estimates that the State would save about twenty million dollars by self-insuring the health plan. The Department of Central Management Services, the Board of Governors, the Board of Regents, SIU and the Board of Higher Education are in support of 3267 and I would ask for your support here today also.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 3267 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3267 having received the constitutional majority is declared passed. House Bill 3271, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3271.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3271, sponsored by Senator Schaffer and myself, is an administration bill from the Department of Public Aid sponsored in the House by Representative Vinson. Essentially, it brings the Illinois child support enforcement proceedings into compliance with Federal law and makes a couple of other technical changes. The fact is, if we are not in compliance, we could stand to lose up to five percent of our otherwise reimbursable funds which in this case would amount to roughly twenty million dollars. Senator Berman had some concern about procedural due process with respect to some respondents that was accommodated in Amendment No. 1. I know of no objection and I would again solicit a favorable

roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 3271 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3271 having received the constitutional majority is declared passed. House Bill 3300, Senator Lechowicz. House Bill 3302, Senator Lemke. Senator Lemke, 3302? It's on the recall list, all right. Senate...House Bill 3309, Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3309.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. House Bill 3309 is legislation that was sponsored in the House by...by Representative...Frederick and is sponsored in...in the Senate by Senator O'Daniel and myself. And what it does, it was an attempt to...to...to make the assessing of coal more uniform around the State. Current law requires for the assessment of all coal under land whether or not it's developed or not. This puts in place a new sophisticated formula to assess that coal that is developed coal and also would prohibit the assessment of coal under land owned by an individual as long as the lease...as long as there is no lease to any other company by that landowner. There are a number of counties where there is...substantial amount of coal and where there will never be any intention of mining that coal and, therefore, that absolutely should not be assessed for...for tax

purposes. If on the other hand, there is an attempt to lease this coal, then that's quite another thing and it will fall subject to the formula. I stand ready to answer any questions you might have, would appreciate support of House Bill 3309.

PRESIDENT:

Any discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I'd like to ask the sponsor a few questions.

PRESIDENT:

Sponsor has indicated he...yield, Senator Watson.

SENATOR WATSON:

Okay. In...on the bill,...well, I have a copy of the amendment so I'm not sure exactly where it is in the bill, but on the amendment, page 7, we make some changes in regard to population figures. We change it from three million to two hundred thousand. Can you tell me why we're doing that?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Watson, I apologize, I...I wish you would have asked me that question earlier. I don't have a copy of the bill before me, so I don't...I...I don't know the reason for the reduction.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Okay. Well,...you don't have a copy of the bill in front of you then? On...if you can respond to that previous question, fine, I'll go ahead here with the next question. On page 8, line 22, they talk about undeveloped coal reserve economic value. I would like to know what economic value means and how is that determined?

PRESIDENT:

(Machine cutoff)...Maitland.

SENATOR MAITLAND:

Well, Senator Watson, it's my understanding that that was.....a number that was arbitrarily picked by those who...who developed the...the bill and the formula. This is an effort by the Illinois Coal Association, Illinois Farm Bureau and others and that was an economic value that was just...that was assigned to the coal.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

I'm sorry, I didn't quite follow the answer. Were you...were you answering the...the two hundred thousand to three million or the economic value?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

I was obviously answering the economic value.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, economic value is...is a crucial thing in regard to the assessed valuation that we have at the local level. Now, I don't know how many of you are aware of this...the impact that this is going to have on your particular counties, but the Coal Association people have been kind enough to...to work with me and supply me with information in regard to the negative impact it's going to have on...on assessed valuation. And I've got a list of the counties that are negatively affected, it's some thirty-five, forty counties on the basis of what the coal industry has provided me and...and the counties that are most negatively affected are Washington is the number one county, the number two county, unfortun-

ately, is Bond; number three is Fayette, number four is Franklin, number five is Montgomery, number six is Lawrence, number seven is Gallatin and number eight is Hardin. And then the list goes on and on from there and what we're doing, although I can understand with the intent of the legislation what...what they're trying to establish to do, we're continually eroding that tax base that units of local government depend on at the local level. Our school districts, our counties, our townships, our cities are all going to be negatively impacted in those particular counties that...as I mentioned, the coal industry has supplied me. Now, it's not every county in the State but in my district every one of my counties, again, according to the information that is provided to me by the coal industry, is negatively...affected and I would imagine that some of your districts are felt...are going to feel the same impact. So we're going to be eroding the local tax base at the local level by passing such legislation. Even though I applaud what the sponsor wishes to do and I understand the intent of this legislation, we can't continue to erode that tax base and expect units of local government to supply the services that are necessary...to people of our area.

PRESIDENT:

...further discussion? Senator Demuzio. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. In some ways, I guess I'm a little bit surprised to hear what Senator Watson had said because the...I raised questions in committee about the impact of this bill. It does seem to me that it is the opening shot clearly in something not unlike the farmland assessment process that we went through even to the point where, as I recall, trying to read the original version of the Farmland Assessment Act it was incomprehensible and at least to me, a Chicagoan, I read the version of...this coal assessment

provision and I had great difficulty in following its intricacies, but that is unfamiliarity I guess with the subject matter. One of the things that...but going back in history though, the...there's no question that as important as the Farmland Assessment Program was to the farming community, it did have an impact on...on land values, on assessment...on assessed valuation base and, ultimately, on the amount of the money available to local units of government, and that was presumably known and one of the prices that people were willing to pay. I suspect...I suspected at least that this bill would have something of the same effect although, I must say, we were told that its purpose was to phase down assessments in counties with coal in reserve...not presently being mined and to increase tax assessments in counties with active coal mining operations which would suggest, indeed, that there would be some winners and some losers among the counties. The...I...I don't think we ever really got an absolute, clear-cut answer to the question, to what extent is it going to "erode" the tax base for purposes of local government financing. The only thing I would add to that is that some of those who were involved in putting together the bill did indicate that to a very considerable extent, the end result of what is being proposed here was actually being done in a lot of counties to begin with and that to an extent maybe not totally but to an extent, we were in...codifying what had become common practice. Now that may not be a totally adequate answer. This...this is a long discourse just saying that I think we are opening up something very important. I'm not sure that we fully know...where it is leading but I think on balance, it is probably worth taking the plunge and doing corrections later on.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

...thank you, Mr. President. I think there was one purpose to this bill that has not been mentioned either and that is that apparently some of these counties and areas are using different methods of assessments and this, in fact, would create some uniformity in the manner in which coal reserves are assessed. And, Senator Watson, I think that the Department of Revenue was going to take a look at the way some of them are currently doing it, you are correct, 'cause of them are absolutely understating or being underassessed, and the department was going to start looking at that and I think it's to create uniformity more than anything else.

PRESIDENT:

Further discussion? Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. I would mention to you once again and I appreciate those who have...have risen to the occasion to support this legislation. It must be understood that in most of these underdeveloped counties where coal is not now assessed nor will it ever be assessed, the law now says that it must be assessed. Currently, I believe there are at least...there are two perhaps three counties that are assessing land in counties where it is under...underdeveloped. Now the point that Senator Watson makes is legitimate in some of those counties but it is not a revenue loss because they are not now assessing. Further, one should say, that in those counties where there are leases for coal and where coal is being mined, there is an increase in assessment and, in fact, the...the Illinois coal industry will pay higher taxes as a result of this bill. Senator DeAngelis made it very clear, this is a bill to attempt to make it unified across the State. I think it's good legislation, the Taxpayers' Federa-

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tion, the Farm Bureau, the Illinois Coal Association and others have risen to support and put together this language and I think it's a good bill, would ask your support of House Bill 3309.

PRESIDENT:

The question is, shall House Bill 3309 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. House Bill 3309 having received the required constitutional majority is declared passed. Senator Netsch, 3328. On the Order of House Bills 3rd Reading, the middle of page 9, is House Bill 3328. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3328.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 3328 would create the Illinois State Collection Act of 1986. It was...or it was worked out in response to the Auditor General's report which was issued in December of 1985, pointing out some major problems with the collection of debts and claims due to the State of Illinois. Some of it, I think, is a...a strengthening in the codification of existing practices, some of it is new in the way of practices. Without going into every detail of how it works, I think I could say that it has...in its present form, it has the approval of the Comptroller, the Attorney General, the Auditor General, the Department of Revenue, Central Management Services and I think virtually all of the State agencies who have had an opportunity to look

at it. We believe that it will provide for a much neater and more effective ability of the State primarily through the Comptroller's Office and the offset program and the creation of an accounts receivable fund by the Comptroller to collect the large numbers of delinquent State debts. I would be happy to answer questions, if not, I would urge your support.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall House Bill 3328 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 3328 having received the required constitutional majority is declared passed. 3340 is on the recall list. 3346, Senator Newhouse. On the Order of House Bills 3rd Reading is House Bill 3346. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3346.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senator...Senators. House Bill 3346 creates a five-member Rheumatic Diseases Treatment Authority under the Department of Public Aid. This...this authority is necessary in order to distribute funds that come from the Federal Government, and as a result of the reduction of the Federal budget, some State funds are require. The Department of Public Aid asked for an amendment and that amendment has been placed on, Amendment No. 1, which allows the authority to receive funding as all other authorities and advisory boards, and it deletes a...a requirement that it be

a line item in the Department of Public Aid. I know of no objection to the bill and I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 3346 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 3346 having received the required constitutional majority is declared passed. 3351, Senator Demuzio. On the Order of House Bills 3rd Reading is House Bill 3351. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3351.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you,....Mr. President. This is a simple bill that it certainly...it allows the...the school board any excess bond proceeds to be transferred by board resolution to the operations or the building or the maintenance fund. The amendment was put on in...a suggestion of the committee that...it added a requirement that that transfer could only take place after a public hearing held by the board and by resolution. I would ask for your support.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall House Bill 3351 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay,

1 voting Present. House Bill 3351 having received the required constitutional majority is declared passed. Senator Vadalabene on 3378. On the Order of House Bills 3rd Reading, House Bill 3378. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3378.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 3378 amends the Real Estate License Act to change a function of the sponsor cards. Current law provides that each licensee must have been issued a sponsor card by the sponsoring broker and must carry the card along with a wallet card which is a facsimile of the licensee's license. This bill provides that only licensees will only carry the wallet card or the sponsor card but not both. The synopsis is correct in terms of what the bill does. The Illinois Realtors' Association and the Department of R & E and Education have agreed to this proposal, and I would appreciate a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 3378 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 3378 having received the required constitutional majority is declared passed. Senator Fawell, 3394. On the Order of House Bills 3rd Reading, the bottom of page 9, is House Bill 3394. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3394.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. This bill allows municipalities to enforce the collection of their taxes including the use of subpoena power and...and creation of liens on property located within the municipality. This is a Municipal League proposal, with the amendment as a clean-up language which specified the kinds of liens. I know of no opposition. There is another amendment that was placed on by Senator Keats which allows police officers to serve summonses for parking violations. I have...if...there's no questions, I would solicit an Aye vote.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 3394 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 3394 having received the required constitutional majority is declared passed. (Machine cut-off)...of page 10...top of the last page, as a matter of fact, top of page 10, on the Order of House Bills 3rd Reading, 3396, on the recall. 3422, also on the recall. 3431, Senator Hall. On the Order of House Bills 3rd Reading is House Bill 3431. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3431.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3431 provides an additional thirty-five hundred dollar annual stipend to be paid to every county treasurer from the State General Revenue Fund. This does not apply to any county which is a home rule unit. The total amount of this is that it will run three hundred and fifty-three thousand dollars in counties that are required to pay the salaries of the treasurer. The...the amendment that went on is that this fund should be appropriated to the Department of Revenue for distribution to county treasurers. Now, why is this necessary is that under the new duties that we have as the general members of the General Assembly, that we have...requires a content form from the propertyowners, trustees, powers of attorneys to afford change of the address. The County Treasurer's Association cites several instances of increased duties as a result of State legislation. Also, it requires a separate listing on tax bills from money paid to library districts. The county treasurer must now invest the one-fourth cents sales tax if imposed by the county, and also requires county treasurers to notify lienholders upon their request of notices of judgment on tax sales. I would ask most favorable support for this modest increase.

PRESIDENT:

Discussion? Senator Karpel.

SENATOR KARPIEL:

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

PRESIDENT:

Indicates he'll yield, Senator Karpel.

SENATOR KARPIEL:

Senator Hall, I have a letter here from a recorder in...one of the counties in my district which asks for me to support an amendment on this Senate Floor, the one that got lost in the confusion of the Executive Committee to support a stipend for the county recorders. Is there such an amendment? Have...I don't think we've put that...have we put that on already, no?

PRESIDENT:

Senator...Senator Hall.

SENATOR HALL:

Senator, in answer to your question, that by the time that it came...time that...the sponsor in the House did not know about it and I did not know about it, and between the two different Bodies there, the treasurers and the county clerks were not able to get together so that we just decided that we'd better go ahead and put this on. There were many people on both sides who would liked to have seen that on that but...just were not able to get together among themselves.

PRESIDENT:

Senator Karpiel.

SENATOR KARPIEL:

Yes, thank you, Senator Hall. I know that in committee it...it got confused, but I have the letter, she says that the amendment is going to be proposed to House Bill 3431. I understand that's an error, it's going to be proposed on another bill. Thank you.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I simply want to point out a few things about the bill and about what we have been doing as the General Assembly. I think most of us believe in the...in the philosophy

that the counties and local units of government ought to be responsible for enacting their own salary levels, but the General Assembly has in a variety of ways gotten itself involved in county government in setting salaries. First of all, if you recall, we adopted a stipend for the county clerks and the reason that we did that supposedly was because of the consolidated elections bill. Then we put additional work on circuit clerks and we adopted a stipend for them. Now, the treasurers are here with this bill and, believe me, the recorders will have some reason that the State should grant a stipend to them and I suppose coroners will then be the only ones left out and that we probably ought to do something for them. I'm not sure what we're going to do with this dilemma but we're into the business and I simply want to point that out. For those of you who may not know what your...what the treasurer of the counties receive, that is the counties that you represent, I just had distributed to the members a list of the current salaries of all the county treasurers, this was supplied to me by the Association of County Treasurers.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, there was some comments relevant to an amendment for the recorders of deeds or the recorders and, Senator Karpel, I was under the impression when I went to committee that there was some kind of an agreement between the recorders and the treasurers that they would accept this amendment on Senator Hall's bill. Unfortunately,...apparently, they have forgotten to talk with the sponsor and Senator Hall had indicated that he wished to have this bill in its form just to afford the treasurers the opportunity for the...for the increase. I don't know what bill the recorders are coming on. I don't know if there's

any additional vehicles that are out and around, but I suspect that before the Session is over, we'll see it somewhere. But, for the most part, I wanted to explain the fact that that amendment was not discussed. Senator Hall has indicated that he wants this bill in this form and that is one of the reasons that I did not proceed with it in committee.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I just wanted to rise in support on this bill. If you recall, last year we had a great deal of controversy and did not pass a bill that would have raised county officials' salaries at the local level, and I believe the explanation that was given by most was that the counties were in financial hurt. Well, we also have given them some additional revenue if they chosen to take it, but going back to that initial logic, for the bottom line is that we want qualified people. I know the county treasurer in my area handles, I think, some sixty to seventy million dollars in tax funds a year and makes less than we pay a State highway...a senior State highway employee and he's senior governmental employee. If this is the way the General Assembly wishes to go, and apparently it is because we've rejected the other alternatives, I would like to say, let's...let's get on with it and I agree with Senator Demuzio, we'll see other bills for the other offices but, apparently, that's the way we want to go and let's be consistent.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I think it ought to be pointed out that I'm not against this stipend, but it certainly does not mean that the county boards are going to give these county treasurers an...an additional thirty-five hundred

dollars. It has to be appropriated in...in the county ordinance and...and the county board has to act on it. So just because we're giving it to the county does not mean that the county treasurers are going to get a thirty-five hundred dollar raise.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, point of order. I believe that issue was brought up...I apologize for speaking a second time, but I believe that issue was brought up in committee and the testimony there was to the effect that the...that the stipend is paid directly to the county officer and does not go through the county board at all. I think the only control that the county board might have at that time that having recognized that the treasurer will get a direct stipend, the county board might then decide not to give as much raise to the county treasurer, but the money does go directly to the county treasurer and there's no requirement that the treasurer share that money with other employees in the office who may also have had their workload increased.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

I don't want to be speak a second time necessarily except that in some litigation in one of my counties, the county board reduced that which the county was paying because thirty-five hundred dollar stipend was given to the county clerk.

PRESIDENT:

Further discussion? If not, Senator Hall may close.

SENATOR HALL:

Just ask for a favorable roll call.

PRESIDENT:

The question is, shall House Bill 3431 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 5 Nays, none voting Present. House Bill 3431 having received the required constitutional majority is declared passed. If I can have your attention, the new recall list...or the recall list has now been redone so it's legible. I'd ask you all to take a look and add 3473 which is the next bill, Senator Davidson wishes to take off an amendment. So just put 3473 on the recall list also. 3503, Senator Holmberg. On the Order of House Bills 3rd Reading is House Bill 3503. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3503.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3503 provides that the investment tax credit for placing in service qualified manufacturing mining and retail property be applied against the State Income Tax rather than the Personal Property Replacement Tax for property placed in service on or after January 1st, 1987. And if you remember, it was amended last week by Senator Davidson to give some protection to those companies who were hurt by the double weighting factor, those manufacturing companies that have over five thousand employees. Allowing the Illinois investment tax credit to be taken against the regular income tax rather than the replacement income tax could increase replacement tax distributions to local taxing districts by some forty million to fifty million dollars. As a result, distri-

butions to downstate taxing districts could be from nineteen million to twenty-four million dollars higher than under current law. Distributions to Cook County taxing districts could be 20.7 million to 25.8 million higher than under current law. Statewide municipalities receive approximately twenty percent and school districts receive fifty-two percent of the replacement tax distribution, and by...moving this tax from one area to the other could result in an increase in downstate replacement tax allocations of between four and five million to municipalities and between ten million and thirteen million to school districts. My own county alone and several of you have part of Winnebago County in your area and we have...distributed a sheet from last year...if you remember, this was Senate Bill 249 last year which passed this Body very handily, went to the House, passed there also, was vetoed by the Governor and failed on a veto override. Winnebago County, because of the fact that...factors in this bill are...are doubling as of July 1st, would receive anywhere from one and a half to 1.9 million dollars. Now that includes the county, the Municipality of Rockford and its school districts. Your particular areas would find like increases. There was a problem in committee in that the Economic and Fiscal Commission report gave the maximum amounts under absolutely optimum standards of what we might lose. They have since revised that as to what the potential is which brings it pretty...pretty close to what they were saying last fall, and the credit could cost between forty to fifty million dollars. But we're what talking about is rather than a loss a transfer to the people that were supposed to get it in the first place, the school districts and the municipalities.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Discussion? We...we...we've now hit a little snag. We've got about five or six speakers. Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, I hope everyone is bright eyed and paying attention to this bill because I think we'll have to say that this is the budget buster for the 1986 Session. The Economic and Fiscal Commission has estimated that the original impact of this bill could be as high as a hundred and six million dollars and then we adopted that double weighting provision and, in effect, kind of took care of all of those losers under the original legislation that we passed; and depending upon whether you want to figure just Illinois employees or all employees of these larger companies, we're probably adding another fifteen to thirty million dollars. Roll it all together and...you're talking about a bill here that's probably going to cost the State of Illinois about a hundred and thirty million dollars. We seem to be saying that there's a hundred and thirty million dollars that we don't need that we'll be able to fund education and all those other good things here in the next week without having that hundred and thirty million dollars in the till. I think that is ridiculous on its face and I think we have no other choice other than simply to...to vote No on this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As Senator Rigney has confirmed, this bill has two very distinct parts, and to prove that I'm a contortionist, I'm going to stand up and speak strongly in favor...excuse me...of the first part of the bill which is the investment tax credit, and then I'm going to turn around and speak strongly against the second part of the bill which is the amendment that Senator Davidson put on it, and sometime before the roll call is taken, I'll figure out which way I vote as a result of that. But let me make a couple of points about it. One, the investment tax credit

provision is not a new tax break for anyone. The investment tax credit has been on the books for a period of...I believe it's now four or five years, we've actually postponed it a couple of times, it's been around that long. The...we, the Legislature, passed it, the Governor signed it. The only question there is who is going to pay for it? And the argument that I have made going back to the time that we first passed the investment tax credit is that if we think it is a good idea, if we believe that it is a good economic development incentive, and I would add parenthetically I have considerable doubt about that but if we do believe that, then we ought to have the courage to apply it to our own State level tax, that is, the State Corporate Income Tax, we ought not to take it all out of the hides of local governments. And that is what we are doing by extending it to the...replace the Corporate Personal Property Replacement Tax Fund. That makes no sense, that makes us look as if we do not know what we are doing...as if we do not know what we are doing or are insensitive to the repercussions. At the very time when local governments are being hurt by Federal cutbacks, by the prospective denial and cutoff of Federal revenue sharing, by a lot of other things, we have no right to continue to make them pay for an economic development tool that we tell them is a good idea and they never had a chance to participate in. So, in that sense, the...the investment tax credit switch is a very good idea and it is absolutely right and should be done. The problem is Senator Davidson's amendment and, in a sense, Senator Davidson, you proved my case, I guess, on the double weighting of sales that the Legislature passed almost unanimously a couple of weeks ago. The argument that I made then is that we make one little change to accommodate one small group of Illinois' corporations...or corporations who do business in Illinois and then they don't...another group feels that they didn't get full benefit, so they come back

and ask us to rewrite the Corporate Income Tax to take care of them. We've now taken care of all of those who wanted it one way with the unitary bill of a couple of years ago. We took care of Amoco the other day, we took care of Caterpillar and its friends the other day with double weighting and now all of those whose taxes are going to be increased as a result of double weighting have come in and said, gee-whiz, you know, you've taken care of every other big corporation in the State of Illinois; now, you got to take care of us and so it goes. And next year if we've left anybody out, if anybody conceivably has been left out, next year they will be back and find a way to rewrite the Corporate Tax Formula to make sure that they get their taxes reduced as a result, but the difference is that this time we're beginning to talk about big money. We don't know, we don't have a final figure, we know that on the double weighting we computed that the losers would be paying in an additional thirty-three million dollars, and so somewhere between thirteen and a half which is the cost of double weighting and thirty-three million is the cost of...the Davidson amendment to 3503. That is big money, we're no longer...talking about just taking care of little bitsy problems for little bitsy corporations. We are talking about big tax breaks for big corporations. I think that is really the...the ultimate in writing the code to take care of individual companies and their problems. So the amendment is a horrible idea, the shift of the investment tax credit is a great idea.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this bill so there can be no misunderstanding 'cause there was some question about the over five thousand employees applied to companies in Illinois or throughout the

nation. This, for legislative intent, applies only...only to those companies which are here in Illinois with five thousand or more employees. What it amounts to is fifty-four companies that have five thousand or more employees in the State of Illinois. The Department of Revenue estimated...we're talking about fifteen million dollars so that that part...someone said thirty or thirty-three million throughout the nation doesn't apply 'cause it applies only to the State of Illinois. All we're asking is those companies who have that kind of employment in the State of Illinois be able to be given the option, it does not harm, does not take away anything from any company that got benefit under 2819 which you all generously passed. All this says is the company will be able to weigh the option and do one or the other. Also, it could be a stimulant for those individual companies which have forty-five hundred or forty-four hundred, that if they want to raise their employees' number to over five thousand dollars if they could get some kind of a tax break, we certainly would more than accomplish a gain if we put that many more people in Illinois to work. This is a good bill and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Netsch, I think you said it correctly, you may yourself...been personally contorted but there are some real...other contortions on this that are utterly amazing, it's...absolutely incredulous. You know, the Economic Fiscal Commission, which you are the chairman of, which I've heard you repeatedly defy the Governor on suddenly has in a period of a week decided to downgrade its cost by fifty percent. Amazing contortion, amazing. Then Senator Holmberg, in order to convince the public that she's helping schools, comes out with this docu-

ment that tells how much more the schools are going to get out of this fund. Then Senator Davidson puts his good ole' perfume on the pig amendment to sweeten this sucker up and, I want to tell you, this is really a real...it borders on a swindle. I mean, we're going to lose a hundred and eight million dollars. Now, this cockamamie stuff in this letter about, well, all companies aren't being taxed; therefore, they're not going to take the credit. Well, Senator Netsch, they will take the credit at some time and if they stay unprofitable enough, we don't have to worry about the revenue loss 'cause they won't be here, but they will be taking the...the credit and the revenue loss will be there. You know, we're talking about a tremendous credit crunch, and it really disturbs me because a couple of the sponsors here are the sweethearts of the educational community, always telling them what...how we're going to fund them and give them all these dollars and then cavalierly dissipate away a hundred and eight million dollars. I'll tell you, I'll be very disappointed if this bill passes.

PRESIDING OFFICER: {SENATOR DEHUZIO}

All right. Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. To your surprise, I am rising in support of Senator Netsch, the chairman of the Revenue Committee. I won't restate much of what she said but, as Dawn once said, she did once support me on a bill. Well, Dawn, we're in a place I'm now returning the favor; of course, it took eight years but I am returning the favor. This bill...the particular amendment that is being mentioned, let me give you...Dawn has explained revenue sources, people say it will cost thirty million et cetera. I won't go into that, I'll...I'll talk a little philosophy on it 'cause you've heard that and I don't want to just keeping restating things. We just passed Senate Bill

2820 the other day, the double weighting of a sales factor. We did not do it 'cause it was great tax policy, we did it is because in other states around us our companies were being penalized in Michigan, Ohio, Indiana, et cetera. So we had an uneven playing field and we leveled the playing field for our companies. What we've now done with this amendment is saying, we will now make the playing field uneven again. We will now go back to taking care of a company from Michigan, Ohio or Indiana; yet, they will not go home to Michigan, Indiana or Ohio and argue on behalf of our companies. So what we have done is when we double weighted the sales factor, which was not the best taxing policy, we did it as a response mechanism to try and protect major Illinois employers and minor Illinois employers. This undoes everything we did the other day and now again puts our companies at that disadvantage, because these other companies will not reciprocate in their home state, not that some of them were unwilling, it just isn't going to happen. So we lose thirty million, we make the playing field uneven for major Illinois employers and we say to ourselves, for what reason? If what we really want to do is be sure that our tax policy at least treats people evenly, you sort of had to support 2820, you really have to...oppose this. I'm not really excited about opposing this bill, I'd like to support it, but when you lose...thirty million dollars and while losing thirty million stick it to your own home base companies, that is a difficult vote to defend and, for that reason, I'm going to vote No.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President, members of the Senate. It seems to me as I listen to the debate on this bill, if there was ever a bill that is right for an amendatory veto, this is probably going to be the bill, 'cause there is no way that I

doubt the Governor can live with both provisions of this particular bill. Now, Senator Netsch mentioned the fact that the amendment gives big tax breaks, big dollars to big corporations; well, the biggest amount of dollars in this bill is the original bill. It's the hundred and six million as I have it before me from the Illinois Economic and Fiscal Commission, and I've already heard some of you tell me that that could even go higher. So if you're worried about the tax base of this State, I guess that's the first thing that you have to deal with; because while the amendment may cost upwards to thirty million, it doesn't look anything like the hundred and six million that the original bill deals with. So I...perhaps...what I'm saying is that I'm a contortionist too, Senator Netsch, only for the opposite reason that you are. I think we ought to go ahead and pass this bill, send it to the Governor. I don't think this State can afford the original tax investment credit legislation, but I do think there's nothing wrong with this State supporting one of its largest corporations that has more employees, most...more of our constituents than anyplace else, we have every bit, I think, of a right to stand up and vote in support of them and that's what we're doing by trying to make their load a little lighter...any other message is going to send their business elsewhere as we have seen happen so often. So I would support this bill on an Aye vote and I'm afraid next...sometime over the summer, the Governor is going to have to make a decision on how he wants to clean it up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator O'Daniel.

END OF REEL

REEL #4

SENATOR O'DANIEL:

Mr. President, members of the Senate, I rise in support of this bill. Some of the previous speakers have said it would cost general revenue a hundred to a hundred and eight million dollars. Well, that's assuming that we don't create any new business, employ any more people. But I think if we're going to be competitive with other states in this nation, we're going to have to offer incentives to industries and...and get people back to work here in the State of Illinois. Everywhere we go over our district, business people...they beat us over the head with the fact that...that we don't offer any incentives to bring business and jobs and industry into this State. I think this is a good bill and it should be passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lemke.

SENATOR LEMKE:

I rise in support of this bill. This bill...helps two major plants in my district that are Electromotive and one of the General Motor's plants. And I kind of had some qualms about doing it until the other day I seen a sign on a car at a...festival in Brookfield which I thought was very attractive. "Are you hungry? Eat your foreign car." That's what it said, and that's what we're talking about here. We should help major business in this country such as General Motors and Ford and other people to come back to Illinois and not leave here instead of running over to Japan and Korea and wasting millions of dollars, we can't even save two thousand jobs at Electromotives. We pick up thirty-five hundred jobs and we lose two thousand. We're not doing anything to help existing American industry, we're going and sending over.

Our Federal Government is buying strategic parts for vessels and...and missiles and what have you from foreign powers, and they're the only one making our strategic arms. This isn't right. We have Americans that are out of jobs and we have to save American industry, that comes first. And if we can get American industry in Illinois, I'll take it before Japanese or Chinese or anything else...because that's the way to go, it's the American way, it...builds the power. It builds us as a country, builds us as a State. I get tired of going to veterans' posts and seeing jobs laid off because they laid off at Electromotive and yet they say we're buying foreign parts and cars. Our industry is going overseas. We don't need their business, they need us. We should do something to help our business and if they're large, such as General Motors, we should do something to keep them in Illinois, and that's what this bill does. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? For...all right. Senator DeAngelis, for a second time.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President, I apologize. I...I think one thing ought to be cleared up. I've heard some dialogue about helping business, and the investment tax credit is not an issue here, Senator O'Daniel, that is existing law, this does not change it. What it does, it shifts where the investment tax credit is credited to. As far as helping the three or four other companies that we're talking about, you're talking about spending a hundred and eight million dollars of current revenues to do that, an awfully expensive proposition. And if you really want to do that, I would suggest that that amendment find itself on something else which I am sure will be floating around here before the end of the Session. But to turn around and spend a hundred and eight million dollars to get tax relief to a couple of companies is

not economic development, it is sheer insanity, because at some point we're going to have to make up a hundred and eight million dollars. And where are you going to get the hundred and eight million dollars from? Those very same people that you today decided to give that tax credit to...the...the break in the tax...the manner in which they're taxed. So now we're going to add contortionists...we're going to take contortionism and add slight-of-hand to it. You know, let's wake up, folks, this is awfully bad public policy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

For the second time, thank you. Part of it's a matter of...personal privilege since...the...my name and the name of the commission was taken in vain a number of times, but let me first just make a point on the second part of the bill. The...all of the speeches that I have heard, Senator Kustra and others, about helping Illinois business, that was the argument that was used to pass the double weighting of sales which was House Bill 2819. That is why all of you except two of us voted for that bill. Now what we are saying by giving every taxpayer of a certain size an option is, gentlemen, compute your taxes, your Illinois Corporate Income tax, and whatever formula reduces your taxes the most, whatever formula produces the least level of taxation, you are permitted to have that formula. That is the worst possible kind of tax policy and that is precisely what the local option does and it does have a high net loss to the State in income. The other side though that I would like to just mention because so much has been said about the cost of the investment tax credit, it is absolutely correct, the investment tax credit is in place. The only question is whether it comes out of State funds or out of local funds. The...the commission staff did not do any slight of hand. We asked them to take

another look because the figure that we saw in committee was much higher than any we had heard before. They were able, as their own supplemental note says, to get some information from the Department of Revenue which they had not had available before. They recomputed the cost of the investment tax credit shift on that basis and determined not that it is likely to cost a hundred and...six million dollars but that the cost of the initial credit would be between twenty-five and thirty million and the cost of the additional credit could be between fifteen and twenty million. Now that is not an...inconsiderable sum of money, I agree. But again, the investment tax credit is in place. That policy decision has been made. The only question is whether we foist it on to our local units of government or have the courage to pay for it out of our own tax base. That is a very, very, important principle and a very important message to the units of local government who are going to be coming to us with...pleas in the next few years for additional help. I don't think that we ought to continue to foist the investment tax credit on to them, we really ought to have the courage to pay for it ourselves.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'm going to be very brief. We've heard a lot of discussion about tax policy but I think there's one thing we ought to remember about this bill. What this seeks to do is give tax benefits to Illinois employers, that's true, but it's not the corner gas station, it's not the little guy that runs the hardware store, these tax benefits are given only to the very largest companies in Illinois. I'm not saying we should never help those companies but we should not...help them at the expense of the other employers in Illinois. And I think that's what we're about

to...to do in this bill. I think the bill should be defeated, it's too costly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Holmberg may close.
SENATOR HOLMBERG:

Thank you, Mr. President. On June 30th or thereabouts, two-thirds of you will go back to your districts to campaign for reelection. On July 1st, the investment tax credit that has been taking away from municipalities and school districts up to twenty-five million dollars will double. The law says that the factors may double on the 1st of July. So by the best estimate that we can get from the Economic and Fiscal Commission, we're talking about forty to fifty million dollars. How many of you are talking about amounts like that for the cities, for the school districts, for the school district in Chicago? Where are we going to find those funds? Those funds have been in existence for the schools and municipalities until this Body a few years ago chose to transfer them out. Now at a time when revenue sharing is ending, when we have the problems of Gramm-Rudman, when various kinds of bonding for cities are no longer going to be in existence, now is the time to transfer the revenue back. Certainly it will...transfer it out of general revenue, but in an election year perhaps there are some other things that we should not enact, and perhaps it would be better for us to have a bake sale for a few of those extra pork barrel projects and give back the money to education and to municipalities. The kinds of monies you would be bringing back would be equivalent to the tax amnesty windfall. The difference would be that this money is rightfully the money of the school districts and municipalities and would be returned to them every year. With any school formula change it is very difficult for some of your districts to get what they really deserve. In many areas, like ED-RED, the Municipal League,

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IEA, Chicago Board of Education, Illinois Association of School Boards, City of Chicago are saying this is the way to go. With some kinds of formula changes what do you get to bring home? Zip. With this, you are bringing back to your districts what they...what is rightfully theirs, it's much easier than a tax increase, all you need to do is give very light pressure on your green light and vote Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3503 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 22, none voting Present. House Bill 3503 having received the required constitutional majority is declared passed. 3548 is on the recall list. 3549, Senator Etheredge. House bills 3rd reading is House Bill 3549, Mr. Secretary.

SECRETARY:

House Bill 3549.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill raises the threshold for formal competitive bidding for forest preserve districts, park districts and fire protection districts. In some instances, these thresholds have not been changed for eight to ten years, so the...what this bill does is to recognize the impact of inflation on prices over this length of time. I'm not aware of any opposition and I would ask for a favorable roll call if there are no questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3549 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 3549 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 3550, Mr. Secretary.

SECRETARY:

House Bill 3550.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bill that creates the Illinois Summer School for the Arts. The bill is a program as amended that will encourage public and private participation in scholarship funds for the students that would attend a summer program that will concentrate on the...development of the artistic talents of our school children throughout the State of Illinois. It will be on a competitive basis with soliciting applications from throughout the State of Illinois. There is estimated to be somewhere between three hundred and four hundred participants and the bill has been amended after concurrence with several of our established charities so that there is no competition by the school with them and also with the Governor's Office regarding the administrative procedures set out in the operation of the school. Be glad to respond to any questions. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

I'm...I'm not arguing against...the bill strongly, I'm just saying, you notice how these budgets can kind of go up? Remember the Arts Council budget once went up ninety-five percent in one year? This is a merely hundred and fifty thousand this year, seven hundred and fifty thousand the next year, thirteen million the next year. I'm just saying somehow we start these programs at reasonable costs and the next year or three years later, they bankrupt us. I'm not saying it's not a bad program, it's probably a decent program. But when you start running up costs and you just say, what will we do? I mean, one year boost, this thing goes up six hundred percent in one year. I take it back, five hundred percent in one year. That's the first year's increase is five hundred percent. What will it be the next year? After awhile you have to start to say, it's a nice program, the cost is not unreasonable, but boy, three years from now it's going to eat us alive.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I rise in support of House Bill 3550. Last spring when we were debating the subject of education at length, there were a number of academies that were talked about. We passed out of this Body the Math-Science Academy, which, of course, was a residential academy. But those of us who debated this issue were concerned about the thought of all the other academies that were being considered. This seems to me to be a compromise, it utilizes some unused services that are available throughout the summer. In addition to that, these best and the brightest of the art students will be paying part of their own tuition and this is something else that is extremely important. I think this is an excellent bill, it's a good suggestion, a good proposal and I rise in support of House Bill 3550.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Senator Keats, I would suggest to you that three years from now you can handle my appropriation bill, I like the way you estimate figures. But I don't think you'll have to, because the way this is structured we're not going to get anywhere near the kind of demands that you anticipate. I would suggest that you go back home, talk to your constituents, because some of the greatest impetus for this program comes from your district. And I solicit an Aye vote from all of the other fifty-eight districts in this State. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 3550 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, 1 voting Present. House Bill 3550 having received the required constitutional majority is declared passed. 3555, Senator Mahar. House bills 3rd reading is House Bill 3-5-5-5, Mr. Secretary.

SECRETARY:

House Bill 3555.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The Calendar...description in the Calendar is accurate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Can we break up the conference...in front of Senator Mahar. Senator Watson, Representative Ronan.

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SENATOR MAHAR:

The bill as amended does three things. First of all, it exempts property owned by forest preserve districts, by special assessment of other units of local government and it exempts them from annexation without consent to the district. This is exactly the authority that is enjoyed by the Cook County Forest Preserve District and this legislation would extend it to the other ten county forest preserve districts around the State. And, finally, it conveys from the State of Illinois to the Kane County Forest Preserve District that property...or that fifteen miles of former railroad right of way that is now known as the Illinois Prairie Path.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3555 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 3555 having received the required constitutional majority is declared passed. We're down to our very last bill now on page 10, then we're going to go to the recall list, so would...advise the sponsors to get ready. House Bill 3573, Mr. Secretary.

SECRETARY:

House Bill 3573.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3573 is a new Act and it would require every circuit court...every circuit to establish pretrial...a Pretrial Services Agency, which agency would be accountable

to the chief judge to assist the court in determining the appropriate terms and conditions of pretrial release, namely, bail. The Supreme Court is mandated under this legislation to pay one hundred percent of the costs that the circuits would...would incur and they are to be reimbursed...the circuits would be reimbursed monthly based on a plan and a budget approved by the Supreme Court. This legislation has the support, obviously, of the court system, the Illinois Probation Officers, the State's attorneys, the John Howard Association and the ACLU. And it is particularly appropriate, as was pointed out in the Tribune editorial which supported unqualifiedly this legislation, that given the fact that we will have in November the bail amendment up for consideration by the people and everybody reasonably expects that it will overwhelmingly be approved, that pretrial services are very timely, it's something that probably should have been done awhile ago but given the fact now the tendency is to hold people either with no bail or a higher bail, this decision really ought to be made based on information that can be gathered only by an agency such as this. The fiscal note...I'm told that the House sponsor has added...or had introduced legislation calling for an amount of roughly seven million dollars for the first fiscal year based on, I think, the Washington D. C. system which has been in operation for a number of years and is highly regarded in the criminal law circles, and that cost is about two million dollars and Illinois has about three times the court calls so they multiplied it out and came up with seven million dollars. I would be happy to respond to any questions; if not, I would solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3573 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted

who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 2, none voting Present. House Bill 3573 having received the required constitutional majority is declared passed. All right. Now we are now going to proceed to the...the recall list. The revised...revised recall list. We will begin with 523. On the Order of Recalls. Senator Vadalabene, are you...Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to remind the membership that today is the final day under our rules for consideration of these bills, so that as we finish the recall list, we will then go back and call those bills for passage.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Vadalabene seeks leave of the Body to return House Bill 523 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading is House Bill 523, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senators Lechowicz and Vadalabene.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 3 would provide a hundred dollar per day compensation for a...Illinois Liquor Control Commission member of a local license appeal commission, he would receive that compensation. The provision was contained in the bill as it passed the House but it was deleted by Senate Amendment No. 1. This would correct that oversight and I move for its adoption.

PRESIDING OFFICER: (SENATOR DEBUZIO)

AB 2 H86
Recalled

All right. Discussion? If not, the...the...Senator Lechowicz has moved the adoption of Amendment No. 3 to House Bill 523. 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 DEMUZIO)

3rd reading. House Bill 2486. Senator Weaver seeks leave of the Body to return that bill to the Order of...of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading is House Bill 2486, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Amendment No. 2 does four things. It reduces the privilege tax to the level applied to the downstate tracks, it establishes authority for a race track eligible to conduct intertrack wagering to establish two additional locations to conduct intertrack wagering. It contains provisions necessary for the State operation of...DuQuoin State Fair and it requires fingerprints of all applicants for occupational licensing from the Racing Board. And I'd move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Weaver has moved the adoption of Amendment No. 2. Discussion? If not, those in favor of Amendment No. 2 to House Bill 2486 indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

HR 2630
Revised

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right. House Bill 2630. Senator D'Arco seeks leave of the Body to return...House Bill 2630 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 2630, Mr. Secretary.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. This is the South...Africa divestment amendment. After discussion last week with the minority spokesman on the Pension and Insurance Committee, we decided to make this...this amendment prospective rather than...rather than divest all funds that are currently in South Africa. Let me read you the words of the amendment. "After the effective date of this amendatory Act of 1986, invest or deposit any pension funds in any firm, corporation, agency, association or unit, bank or financial institution, or in any stocks, securities or other obligations thereof, which invests in or has ownership and interest in property or has an outstanding loan to the Republic of South Africa, a national corporation or other corporation organized under the laws of the Republic of South Africa and...or a company for the purpose of investment in the Republic of South Africa, until such time as the United Nations certifies that that system of racial discrimination, commonly known as apartheid, is abolished." This is a prospective amendment, what the amendment says in essence that we will not no longer take Illinois dollars to support a racist regime for the purpose of using those monies to suppress its

people. The previous amendment, as I...for study...was withdrawn because it required the...the divestment of all funds currently in the Republic of South Africa, but this amendment will prohibit any Illinois tax dollars that we pay into the pension systems from being used by that government to use to suppress its people. And I ask for a favorable vote on Amendment No. 2 to House Bill 2630.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I rise in favor of this. I think the original program was going to be...oh, was going to be detrimental to our pension funds. I think this is a good way to work it out, and I do call for a favorable roll call on this bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator...further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'm somewhat surprised at the previous speaker, but I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Sponsor indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Jones, you are using a economic device for a political end. My question is, upon whom do the unfavorable economic consequences of disinvestment fall?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Jones.

SENATOR JONES:

Well, in answer to your question...and I don't agree with you using it for a political end. I don't think the...people in...in this State will want to be recipients of tax dollars that would be used for the purpose of killing and

suppressing people. Now you ask me who will it fall upon. It will fall upon the racist regime of the South African Government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

That's all?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, it is these tax dollars and other tax dollars across the country that is holding that government afloat. So, therefore, these funds...these tax dollars would no longer be used for that purpose. That government thrives off of the investments made by corporations in this country, and without our tax dollars, they would no longer be able to use; because those corporations who have businesses in South Africa when they realize that their American dollars will be dried up, they themselves will force that government to end that apartheid situation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I...I...I don't think that answer can go without some amplification. First of all, the economic consequences will fall on our retired school teacher or retired person. I don't care if it's prospective or not, Senator Jones, that doesn't make it any better. Okay? Now, secondly, it will fall on some of those corporations that are there. Third, what you've remarkably forgotten are the people that are employed by those corporations 'cause disinvestment creates less investment, less investment creates less facilities, less facilities creates less jobs. And I'm not so certain that those companies are even going to be hurt because the

stock that is owned is not owned by the company, it is owned by individuals, pension plans, other people who own that stock. Companies don't derive a nickel from the stock sold unless it's a new issue. I think the thing that I find most reprehensible about this kind of tactic is that it really doesn't help the people that you're trying to help. I have a very strong feeling that South Africa will abandon apartheid if it doesn't go into revolution and then nothing will be left. It would be almost facetious to embark on a plan like this and then find the people that you're trying to help not being able to help themselves once they gain control because nobody wants to invest in that country. But I think the thing that I find most corrupt about this kind of thing, it is the last cry of the liberal movement which for a long time has placed the burden of liberalism on somebody else. It's like Ted Kennedy with his great legislation while he sits in his comfortable five million dollar compound in Massachusetts insulated from the rest of the world while his rental properties of the Merchandise Mart and the Design Center in Washington make tremendous amounts of money. This is not a good economic device but, worst of all, it's not a very good political device.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A couple of questions of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, is it your hope that by adoption of this amendment that we would discourage companies from investing in South Africa?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Senator, it's not that I have a hope, what I would like to see happen is that not only do the State of Illinois divest its funds but any other state and some states and some university pension systems across this nation has...have already divested funds...from the Republic of South Africa. If it were not for the investments of this country, then you would more than likely not have that situation wherein our dollars are help keeping that...government strong wherein it...it can...oppress its people. So it is my intentions that if we pull our dollars out, other states would do like-wise and the people there would have a better opportunity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

On page 3 of your amendment it says, "Nothing in paragraph 4 of Section B of this section shall be construed to be a breach of fiduciary duty on the part of a trustee." Why is that in there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

That is in there more or less to...to let those trustees of the pension system know that...these funds can be divested and they would not be in breach of their...the Fiduciary Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, very much. I...I agree with the answer certainly to the second question. Let me respond to...some of the points made by the sponsor. If we're trying to send a message to companies that they shouldn't invest in South Africa, I think we're a little late. You know, they...they

watch TV, they know what is going on in that country. And I don't believe that American industry is aggressively...investing in South Africa anymore. Fact of the matter, they're all apparently running around trying to save their...their bottom line right now and...and hoping that that country doesn't go into revolution and total collapse which would of course mean significant loss to those companies and to those people in Illinois who depend upon our pension funds. A few years ago this Senate, in its wisdom, adopted a bill that was intended to improve the yield on our pension funds. We gave the trustees the...the board of investments of this State a new charge and we told them that from now on their activities would be...would be judged by the prudent man rule which is a rule that is generally applied to banks and trust companies and other fiduciaries handling monies of other people. We did that so that we could increase the earnings for people expecting pensions from the State of Illinois. Now what you're saying is, we want you to follow the prudent man rule except in the case of South Africa, don't invest in any company that's got anything to do with South Africa, and even though that's not prudent, we're not going to sue you for that. Now, that's, in effect, what that...what that second portion of that amendment says. I'd like to point out once again to the...to the members of the Senate that no matter how you feel about apartheid in South Africa that, in effect, what you're doing by means of this amendment is saying to the State Board of Investments, you will not be permitted to invest in about half of the fortune five hundred...companies in this country. Now I think we all support the collapse of apartheid...we all want something to be done about the...the injustice to the people in South Africa, but whether or not we want to take that out of the hide of retired teachers, retired State employees through their pension system is an entirely different matter. And I

think this...I think this amendment is just as bad as it would be...or nearly as bad as it would be if we required immediate divestiture. Because what we're doing is saying to the people that are serving on the State Board of Investments, don't make good investments anymore, don't buy stocks and bonds of those companies that are...are listed and rated as some of the very best investments in the United States.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, can you bring your remarks to a close, please?

SENATOR SCHUNEMAN:

Yes, sir, I will. I think the...the amendment should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We have five additional speakers and I...would admonish the members to be brief. Senator Rock, you wish to...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. My concern, and it's a concern, Mr. President, that I have expressed before, and I'm not so sure, Senator Jones, that the language that...that you have added to this amendment as opposed to one we considered earlier really accomplishes the purpose. The problem that I have is that I am ex officio a member of the State Board of Investment and, as such, responsible for five billion dollars worth of investments; and the section that you are amending says, "A fiduciary with respect to a retirement system or fund established under this code shall not," and included in the list of shall nots is, obviously, shall not invest in any firm...that has an ownership in or has any loans with...or does any business with, apparently, the Republic of South Africa. Then you say later on, "However nothing in paragraph 4, subsection B," which is the divestiture section, "shall be construed to be a

breach of fiduciary duty on the part of a trustee." I don't think that's effective and I would...ask the sponsor to respond to that. In other words,...are...are the members of the State Board of Investment overseeing five billion dollars worth...one, I suppose I've seen lists...where companies like Coca Cola, some of the major corporations in America, in fact, have some investments in or some ownership in and do some business in South Africa. So my presumption is that we now have to go down that list, we as trustees, and excise all those...investments, certainly not prospectively invest any further in those even though the investment counselor might say, gee, it's an awful good investment...you know. My duty as a trustee is to try to get a maximum return on the invested dollars, and short of that, I'm...I'm not particularly personally concerned about a lawsuit because at the moment I'm almost judgment proof anyway. But the fact is, I presume then that someone who is...has some standing, an annuitant, could come in on one side or the other and say, hey, Mr. Trustee, you are not obtaining maximum return because you're now not investing in some of the major corporations; or, on the other hand, someone could come in and say, hey, you forgot about X company, don't you know they do some business with South Africa? I guess my question is, how do you...how do you...how do you respond to this dilemma? The...morality question, the philosophy, I...I can deal with, I'm...I'm a little more in the real world. What's it going to cost us and when it cost us something who's responsible for it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, in...in response to...Senator Rock, in answer of his question, you asked that same question last year as relate to the responsibility of the trustees...as relate to

getting the best investment for the dollar; and, on the other hand, you say that you are concerned about the problem. Well, what you are saying in essence is that you do not have faith in the Illinois economy, you do not have faith in the Illinois government as far as the businesses that are doing business in this country. And what you are saying in essence is that even if that country be...be it Russia, be it Poland, be...be...be it Afghanistan or you name it, if they were doing those things to the people, you're not going to withhold the funds. Now, I...I believe the first paragraph on page 2, Section 4, take care of the...the...the part as it relates to the trustees as far as relieving them of any responsibility and...and getting the best policy for the investment. However, just as a backup to satisfy what you wanted last year, I included that section in here that nothing in paragraph 4, subsection of this section shall be...be...be construed to be a breach of fiduciary duty. Now that was put in there to satisfy your concerns along those lines. And...in answer to your question, sure it is a problem but I don't think it would be a problem on this Floor if it was Poland or Sweden or...or Europe as far as pulling those funds out. This is the only country on the face of this earth that practices apartheid and...and to be concerned about the best possible investment and not be concerned about the lives and the...and the welfare of the people of that...of that country, I don't think that we should be standing here arguing and quibbling over...over a few million dollars if you're really concerned about the people there, you would support the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, those protestations to the contrary notwithstanding, I'll support the amendment if I feel if it's in the best

interests of what goes on around here. The fact of the matter is, there are a number of companies...and we have also, I might add, taken a position on the State Board of Investment that where we can, where we can justify the kind of return we ought to be getting, we would emphasize, if you will, investment in Illinois companies which I think is a good thing for us. The fact is there are some companies in Illinois who do some business in South Africa. And we are now again apparently constrained by virtue of this proposal to say, hold it, sorry about that, we're not going to invest, we don't care where you're located, we're not investing in it. I...I just think this thing has...has major ramifications and it can't be so lightly dismissed. Do you have any idea what the...Mario Cuomo has been quoted as saying that the divestiture in New York costs or will cost in excess of two billion dollars. What's it going to cost us here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

...Senator, you indicated that you are an...an ex officio member of that board. I'm...I'm quite certain that we are talking about approximately three hundred million dollars at this particular...and it won't cost us, these would be the funds that we are not going to invest in corporations doing business in South Africa.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? All right. Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the House. This is always a rather...Ladies and Gentlemen of the Senate. It's a difficult question to speak on for fear...at least in my heart, for fear in some way of being misunderstood. I tried to make a point last year, I guess it was, on this issue that one does not have to believe that apartheid

is a good idea, which I don't happen to believe it is, to at the same time think that under the circumstances divestiture in businesses doing business in South Africa is a good idea. I don't think that it is a good idea and I have tried to make the point and I suppose have a...maybe a global concern here which may not be germane to State affairs. But it seems to me that what we are seeking perhaps inadvertently, and, Senator Jones, I certainly don't accuse you in any way of this, but there is a movement afoot in this country that seems to reason that if we can bring the government of South Africa to its knees or in fact abolish it completely that somehow the black people in South Africa will be benefited thereby; and I simply don't believe that because I think that if that government comes to a total collapse either through revolution or whatever means, there will be a vacuum created into which something is going to move and that something, as I understand it, may very well be Marxism. The Marxist, the Communists, the Socialists have a very large interest in South Africa and, believe me, that is one of their targets. And we will see perhaps South Africa go the way of Cuba or go the way of Nicaragua or go the way of other countries where we have seen one government brought down because it was...oppressive only to be replaced by another government that is even more...oppressive. And I'm going to close by simply saying that in my opinion as we move in this direction...and, Emil, I think I understand where you're coming from, I really do and I know you're sincere, but I think what we are apt to do is to encourage those forces that want to see this vacuum in South Africa with the idea of another form of government there, Marxism, I think, I'll be honest about it; and if that happens, then we will have abolished one form of oppressive government where there is some chance of reform, and I believe there is if we can keep American interests there, I think they will help bring about changes in

South Africa, but we will have replaced that with another form, perhaps as we look back over the years with another form of government, Marxism, in which...or from which there is little or no hope of reform, because once entrenched, they simply don't reform. That's oppression and that will be oppression for black and white and it will be there to stay. So, for those reasons, I don't think that divestiture at this point is a good idea.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Further discussion? We have six additional speakers. Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I rise in very strong support of Senate bill...Amendment No. 2...I mean, this amendment to...Senate...House Bill 2630. Last year I sponsored the same resolution...amendment and at that time there was some complaints about needing to do the same things that Senator Jones tried to do this time in order to clear up some of those complaints. But before that, Senator Jones had the original bill which calls for total divestment and at that time there were some concerns that we ought to make it prospective. And so each time we attempt to satisfy the...the concerns and...of the membership, we come back and only to find that new objections emerge and I think that's where we are now. The reality of the situation is that the State of Illinois should, in fact, do something or attempt to do something just as some of the other local units of government, states, and even I might say, the President of the United States has begun to sound as though he is rethinking his whole position on the issue of divestment in South Africa. And let me just say briefly to one of the speakers...said...indicated that if, in fact, that we do this and if, in fact, that the majority take over of that country, the question he raised is whether or not they will be equip-

ped to carry on and to manage the affairs of their government. Those same questions was raised during the time of...when they were talking about freeing the blacks in this country from slavery. The Southerners pretended that if...that we were better off the way we were and that if, in fact, that we were given our freedom that we would not be able to manage the affairs of our families and support and take care of ourselves. And I think that that analogy go...same for the majority of people in South Africa. I think it is time that we stand up in this State and go on record. Maybe this amendment won't have a great deal of impact but at least Illinois is saying that we are in total opposition of the oppressive type of government in South Africa and we want to go on record as saying that maybe we can't do as much...have as much impact as we would like, that we can't stop apartheid in...in South Africa but at least we can impose minimum economic sanctions. Economic sanctions does work, it most certainly worked in terms of black Americas in our struggle for our civil rights. It was economic sanctions that moved and awakened this country to the reality of equal rights and equal justice under the laws for black America, and I think we ought to say these things to South Africa and pass this amendment.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Further discussion? The Chair is using the timer just simply as a means for the members to have some idea as to where they are with their remarks. Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. This is an...an emotion laden question and it produces agony on all sides. I think it's well worth the time that we take to debate an issue such as this despite the pressures of time for other kinds of things. I think we have to begin to look very hard

at some historical failures on the sides of an awful lot of interests. I am sure you are right, Senator, that there is a real danger that Marxism may fill that vacuum, and I think that we have to look at ourselves to determine whose responsibility that was. If we look at our historical failure to support a kind of leadership that would have engendered not a rearrangement of a social system but if we look at the way that that social system was imposed upon black South Africa, if we look upon the way in which we stood aside and watched how the Europeans divided those Third World continents and proceeded to take the natural assets that belonged to the people who lived in that country and convert them to their own usages; if we look at that kind of record and suggest that that kind of record is justified by the present type of government that...that exists in South Africa, if we look at those surrounding nations and...and recognize the facts of life, and that is that the Marxist have been hard at work over there for a long period of time and they have produced some results based upon the failure of our system to do what it ought to have done and that was to, first of all, see that justice was done in the first place, and having not done that to have been as busy prostituting in those countries as were our enemies; but instead, we had regimes that gave us the likes of Idi Amin and others of that ilk whose job was simply to be the thugs that suppressed the members of that society while the European societies...while the European societies took out the natural resources of that country and the profits went...went elsewhere and the people who lived in that country were kept under the thumb of something...of something resembling slavery. Well, you know, the dice...have been thrown, it's time to call in the bets. The fact is that we should move swiftly, yes, but part of that movement ought to be to say very firmly to the government of that country what it is that we stand for. And if we have

the moral...if we have the moral courage to stand for what we represent to the world that we represent, then our record on democracy ought to be...and we ought to be able to understand and be judged upon that basis, but the fact is, we haven't done that, and if we don't begin to do something very quickly, I'm afraid you're right, Senator, that the Marxist are going to be there. Now we need to deal with that directly and one of the ways to deal with that directly is to get tough right now and talk divestment. If we go on the theory that no one in that country has the moral strength and courage that...not...that there is not a sufficient number of people of stature in that country who are prepared to say that, yes, we ought to create a system in which all people are equal, we ought to create a system in which all people have a voice in government...the revolution right now is on but the revolution now is coming from just the opposite side, it's not democracy it's something else again. It's another kind of political oppression. You know what's happening there and we know what's happening there. The press has been completely suppressed. The press has been suppressed for the reason that the detention process, the official killing of people including children is horrendous and they do not now want the world to see that. Are we going to participate in that cover-up process? I don't think any of us want to be part of a cover-up of something as vicious as what is going on there. We're admitting, as a matter of fact, in all this debate that this thing is hideous beyond belief. And yet we say, let us not take any measure to disturb a kind of system that certainly is not advocated by our Constitution, advocated not by our system of government nor supported by anything that we purport to be involved in. So, yes, it's hard, it is. The question is, is it fair? And I would suggest to everybody on this Floor that we need to swallow hard and take the moral and ethical position, take the position

that we purport to represent to the world, that we believe in fairness, that we believe in justice, that we believe in the equality of man. We got to start somewhere, folks, and I would suggest to you that this is a minor way to begin that process. I would suggest we all ought to vote Aye on this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate, I'll be brief. There's been some fine things said and I won't try to reiterate...and repeat what has been said. But we're very proud to say that we believe in the American way and we know that the government of South Africa is not going to get any better; all you have to do is look...all of us look at television, we see people with sticks, children, we see people come up in armored vehicles, tanks. Imagine that here you are with a stick or a spear trying to fight a tank. I certainly don't want the money that I have invested in the State of Illinois in a pension fund to be used to snuff out the lives of any people regardless of race, creed or color. I believe that that money should not be used for that and if we as good Christian people, which we say we are, and I believe that most of us are, that we cannot be more concerned about the interest that our money is going to draw than the lives of people that we see snuffed out every day, I would just appeal to you that we should pass this amendment, and I'd urge your favorable support for it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Further discussion? Senator Keats.

SENATOR KEATS:

While I agree with what the opponents have said, I'm going to take a slightly different tact from many and follow some of the technical problems Senator Rock had raised. Let

me just give you a couple of examples of the internal problems of this amendment. Who decides who is or is not free? The United Nations. Have you ever heard the term "kangaroo court"? The United Nations is the same group that declared Zionism racism. The United Nations is the same group who has regularly been anti-Semitic, anti-free speech, pro-police state, defensive of Iran, Libya, pro-one-party state, anti-democracy. This is the fine group who will make the decision of when this country is being run correctly. This is the group that couldn't find it in its heart to criticize Idi Amin in Uganda, could not criticize Afghanistan and never knew the Gulag Archipelago existed. This is your kangaroo court. Roughly a hundred sixty members, roughly a hundred thirty of those hundred and sixty members vary between one-party states and totalitarian dictatorships. This is your court who this amendment says is deciding. You have to think about some of those things a little bit when you're trying to put the amendment in perspective. A second side, how much investment...American investment is there in South Africa? A little less than ten percent of their capital investment. Who are most of those employees? Of those outside countries who are invested in South Africa, the highest percentage of black employees are American companies, overwhelming majorities, I forgot the exact numbers, but it's seventy, eighty percent of the employees are black. That's why Senator Philip sent around a letter from Mangosuthu Buthelezi who's the elected Chief Minister of the, what's called Qua Zulu, we would translate that in American to Zululand, but it's Qua Zulu, home of the Zulu and to quote him, "They speak as if they have our mandate," his....this is an elected leader of six to seven million people and he says he is against disinvestment. Who are those leading the charge in favor, have any of them ever been elected to an office? I meet many of them in the Council of Churches and

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Bishop Tutu, who I respect, and Bishop Tutu has admitted he's a Communist although the press forgets to...to say that. The Bishop admits it, he's an honest man; he's not dishonest, he publicly admits he is, our press just never seems to notice that, but he's up-front about it. What group were they ever elected to represent? And his...and as Mangosuthu Buthelezi says, they speak as if they had our mandate. What mandate did they speak from? And, when he concludes by saying all they achieve is more suffering and retarding whatever little progress blacks would achieve within these...multinational corporations. It's this last gasp for liberalism to quote someone else's phrase, I'm a liberal and I'm so much smarter than you are that even though you're going to sit there and starve, I know you're better off even though you're starving to death 'cause that's okay 'cause I feel good and you starve. That's a heck of a deal. We feel good, some American liberal says, it's okay for a black guy who used to have a job in South Africa and used to support his family, it's okay if he and his family starve or if they do without a job 'cause it didn't hurt him, but boy he feels good. The practical sides of this amendment, you use a kanagroo court, number one; you accept as spokesman people who've never won an election anywhere; and third, you do so much more harm than you do good that if you ever tried to balance this in the weights of justice, you would come out on the snort end.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is one of those issues that strain at both our head and our heart. But I would like to remind the members of this august Body about some of the words that one of our great Americans, Doctor Martin Luther King, spoke when he was imprisoned in the Birmingham Jail. He had these words to

say, he said, "I know that the laws of Alabama say that I can't eat in a public restaurant. I know that the laws of Alabama say that I can't send my children to the best public schools available. I know the laws of Alabama dictate to me where I can ride on public conveyance. They tell me where and how I am able to vote. But there is a higher law, a higher principle to which I must subscribe and to which I am guaranteed those freedoms just by virtue of being a human being." It seems to me that more than any economic investment or any economic principle at stake here there is a higher principle, a higher law at stake, and that law is the law of justice and equality. The law which we have always stood for as Americans, and wherever that principle, wherever that law is being violated anywhere in the world, it seems to me that we should be speaking out in whatever way we can, to whatever extent we can to say that this is not something we favor, this is not something that we stand for. This amendment doesn't say we're going to divest everything that's presently invested in South Africa, it says in the future. Let's take a look at where we're going and find another equally good place to invest our money; but at the same time, it stands, in my judgment, for what we stand for as a people. I think it's a decent amendment and I think it should be passed and I would hope that we would support it. Thank...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? For a first time, Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

On page 2 of your amendment, you say that on the effective date...top line, number four...of this amendatory veto,

may continue...my continue...the violation may continue for a period not to exceed three years from such effective date, during such three-year period the fiduciary shall annually file on or before January 1 and so forth.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Geo-Karis, hold...just a moment. Senator...Senator Jones.

SENATOR JONES:

Senator, that was the amendment that called for total divestment. That amendment was...was withdrawn, we have a new amendment. Say any...any future investments. We're dealing with future investments.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is this the one that is page 2 on the bottom, paragraph 4, is that the new one?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Jones.

SENATOR JONES:

Yes, it is.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I am troubled, very troubled, because certainly I am against apartheid. What troubles me is, what about the black people who have jobs in American firms and American companies in Africa? Once the Americans leave there, wouldn't the Chinese or the Japanese or the Indians...I mean, Indians from India would come in and take over, would they have a better standard than Americans? I'm troubled, do you...have you any information about that?

PRESIDING OFFICER: (SENATOR DEHUZIO)

...Senator Jones.

SENATOR JONES:

That really amazes me. In response to you, Senator Geo-Karis, I'm quite certain that the blacks there in the event the Americans do pull out and there is a revolutionary war there that they would be quite capable of managing their affairs.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I just seen your amendment now which you say is the current amendment. I wonder if I could have...look it over.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well, why...why don't we...there's a couple of other speakers, why don't we come back to you, Senator Geo-Karis. All right...further discussion? All right. For a second time, Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I...I...I rise on a second time because there were several things said that I think need a response. There was some talk about a police state and the police state that...that is incipient, the police state that will take over once this...this government falls. And the facts of life are that we have a police state right now, there's no question about that. There's detention without charge...for...for months; there is presently all kinds of...of...well, they're going in...they're going into the house by night, they're crashing the doors down. So...there's nothing new about that, we have a police state and we're supporting that police state right now. The question about the blacks who work and the question of what's going to happen to them. Well, we aren't talking about it and what we're saying is the reason blacks are working in South Africa is because it's cheap labor. That's the rationale behind that. And that cheap labor isn't going to go away

and the need for that cheap labor isn't going to go away. They're doing work that no one else is going to do. They're going down into the mines for pennies a day, mining for pennies a day, gold and diamonds. Can you imagine the kind of profiteering that goes on there, that's not...that...the...the...the economy is dependent upon them going into the mines, mining that gold, mining those diamonds, those very expensive kinds of a profit making kinds of industries that are going to have to measure up and take some...and take some further steps. One of the reasons, of course, is the economy is based upon that very cheap labor and the very high profits. I know that a couple of the Senators from this Body have been to South Africa at the invitation of that government. As a matter of fact, I asked one of them if he could arrange for a trip for me to go there and we never heard from that again. I'd like this Body to understand that the National Conference of State Legislators has been trying for over a year, over a year, to put together a trip to South Africa, and the reason why it has not been successful is because that open government will not permit the members of that delegation to select the sites where they want to go. That's what kind of government we're talking about, make no mistake...make no mistake, don't talk to me about open government, don't talk to me about police state, because open government does not exist and a police state does, a police state in which they have killed children in full view of television cameras. But when they realize the public relations mistake that they made, not the moral mistake that they made, what they did was simply ban the press, and this is what we're supporting. It's going to take some tough measures to cure this cancer and it is a cancer. And the fact is that if this government does survive, if it does, there's still going to be a blood bath in that area, you can't avoid it. The communications are too...communications

are too open nowadays, people there are beginning to understand how people live elsewhere, the unrest isn't going to go away. The best thing we could do for the population there is to cut this cancer open now, cut it open cleanly and have a situation available in which a strong open, open, open government to all people can exist. That's our obligation and I think our obligation is consistent with this amendment...and with this...resolution, we ought to go forward with it.

PRESIDENT:

Further discussion? Senator DeAngelis.

END OF REEL

REEL #5

SENATOR DeANGELIS:

Well, I...I think it ought to be pointed out, some people have equated this...these economic sanctions with the same type of economic movements we had in the civil rights movement. Well, let me refresh this Body and they...those who have made those comments should know better than I, but if you'll recall, those sanctions or boycotts were put on people who would not employ blacks or who chose to serve them in segregated facilities. Now, I concur with that, but in this case, you're putting a boycott on the people who are doing the hiring. As far as the gold interest and mining interests, those are not American companies, Senator Newhouse, that's not where it's going to apply. The companies that it applies to are GM and other companies who produce products, and, granted, the wages are not the greatest in the world, but let me tell you, in comparison to some of the other ones, the economy of the surrounding nations, the one problem South Africa has is the majority of the people that are there had migrated there. They weren't there and one of the reasons that the people are so adamant about not changing is the people who have been there want to preserve that system, right or wrong, but you're not aiming that gun at the right people, that was my point at the beginning. You're going after the people who could help the situation and you're, in fact...as the old expression says, when a man hits a dog with a stick, the dog bites the stick. Get the man, Jack, don't bite the stick.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

I apologize for rising the second time, but I...I think that we need to just stop here and take note to what we're saying, all of the debate that I've heard, those in opposition to this amendment; and I want to ask you to ask yourselves one basic question; those of you who are concerned about the soundness of the investments of the Pension Fund and giving those investors the...the discretion to invest in any sound, good investments that's going to yield a profitable return on our pension funds; now, if that is all that you have to be concerned about, I would like to ask you this question, would you be as adamant about that investment if it was invested in illegal drug pushing in this country, because I can tell you they can make billions of dollars out there if they were investing in that, and that's the way I see what is happening right now in South Africa; if, in fact, you invest those dollars over there, it is the same kind of injustice, it is a violation of the fundamental principles and laws of the State, it is the violation of our moral principles of this country and those that we have perpetuated over the world. So, if, in fact, that you feel that the dollars is more important and the return on those dollars is, in fact, the issue, then I suggest to you, let them invest in the drugs on the street, because that's exactly what you're doing. You're perpetuating and promoting...killing and the wasteful use of lives in South Africa.

PRESIDENT:

Further discussion? Senator Jones may close.

SENATOR JONES:

Well, thank you, Mr. President. After listening to the remarks made by my colleagues on this all-important amendment, and to you, Senator Newhouse, the...NSCL, if they go to South Africa, you cannot go as a black man, maybe Senator Philip would take you as honorary white man, but you can't go as a black man to South Africa, that's the policy of that

particular government. And to those of us who are concerned about the void that would be left if the American corporations pull out of South Africa, well, we did the same thing with Cuba if you recall. It was the American corporations down there that helped suppress the people under the...the Batista regime working them for ten cents, twenty cents an hour and when the people revolted, and they did revolt, then you end up with the type of government that you have there now. So, we should not be so concerned as we say we are about the void being left there. Those of...of us who are ignorant of history are doomed to repeat it, and if you are...if you ever read the American Declaration of Independence, it tells you right there, whenever that government becomes so oppressive, it is your duty as a citizen to abolish or destroy that government. So, if we are so hung up on what's happening in South Africa and we're so hung up about dollars, but you're not hung up about the people as you claim you are hung up about. You talk about those corporations pulled out...hiring blacks, but let me tell you one thing about history. During the Civil War, you had many blacks who fought on the side of the South. So, I'm not surprised about that letter that Senator Keats talked about that Senator...Philip's had. During the boycott in Selma, Alabama, there were many blacks down there who opposed the boycott because they would be hurt. Well, you still got some of those Negroes around, just like that one that sent the letter over here; but if we are concerned about the moral principles that we...we stand for, you would support this amendment. You would be up speaking for it, because you wouldn't want your dollars to be invested in corporations or invested in South Africa to you...be used to kill innocent babies and women and children and people. If you support the Constitution of this great State, then you will support this amendment. So, that's not...that's not playing games with this issue. The taxpayers of this State

and the annuitants, the pensioners don't want those blood dollars but don't come using scare tactics about this amendment. The IFT, Chicago Teachers' Union, the...the AFSCME Union and many more support divestment but don't use the scare tactics about you're going to lose money. You're not concerned about money because if it was in a...in Afghanistan, if it's in Russian, if it's in Poland, in Israel, you name it, you'd be the first one to stand up and say let's get our monies out of there. So, let's stop playing games with this issue and give me a Yea vote on Amendment No. 2 to 2630.

PRESIDENT:

Question is the adoption of Amendment No. 2 to House Bill 2630. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 25 Nays, none voting Present. Amendment No. 2 is adopted. Further amendments, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Keats.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Now, we're going to find out how strongly we feel. What this amendment says is basically the same thing except the designated countries involved, the decision is not made by the United Nations, it's...it's made by the Committee for the Free World, and the decision is based upon discrimination against the citizens or any portion of its population. What this says, similar to the previous amendment, we will not trade with any country that is found to be unfree, that discriminates against its citizens or any portion of its population, so if they're picking on one group

and not all, they still would be covered. So, what we're doing is saying, if we wish to disinvest, which is a decision if we choose to make, it's fine, but we'll treat everybody the same instead of singling out one country who certainly has an abominable human right's record but their record is certainly no worse than numerous other members of the United Nations. This says, okay, let's not trade with any of the bad guys. We limit ourselves to trading with the good guys, we limit our pension funds only to the good guys, that's all the amendment says.

PRESIDENT:

Senator Keats has moved the adoption of Amendment No. 3. Discussion? Senator Jones. I beg your pardon, Senator D'Arco, he's the sponsor.

SENATOR D'ARCO:

Yeah, thank you, Mr. President. I...I had no knowledge of this amendment. I brought the bill back because Senator Jones had the disinvestment amendment on, out...you know, I understand it now, there's another...amendment after this that addresses the Northern Ireland question and then...you know, we'll probably address the terrorist question and...by the time we're done, we'll probably be...be here till midnight, so, you know, Keats, why don't you withdraw the amendment and let us go home on time or something?

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Well, Senator Keats, could you tell me in your amendment who is the Committee for the Free World?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Headquartered in the United...it's headquartered in New York, similar to the United Nations. The Reference Bureau

felt that this group was probably the most representative of any of the groups that...that would decide who should be. We're relying upon the Reference Bureau's judgment as this being the most reasonable group. Their standards are based upon human right's violations within their countries.

PRESIDENT:

Senator Jones.

SENATOR JONES:

...Senator Keats, could you tell me of all the countries on the earth, other than South Africa, which one practices apartheid?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

The City of Chicago's City Council.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, that tells me how seriously you are about this amendment, because there's only one country...of all the nations that practices apartheid...that government does, I'm not talking about individual people, I'm talking about its government does that; and to make mockery of that tells me what you really feel about the rights that you have in this amendment, and I would suggest that you do what Senator D'Arco said, let's pull it out of the record because you're not sincere.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, this is the first time...I've been here twelve years, this is the first time that the...Reference Bureau has...has legislated for this Body. I'm...I'm really surprised. Who in the Reference Bureau decided that the Commit-

tee for the Free World was the...this positive...choice to make this decision?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

To be quite frank, I don't remember the name, although I...if I might respond back, you felt a group that said...that said Zionism was racism was a great group, group that didn't believe in free speech...state defended Libya and Iran, you thought that was a good source. I find it interesting you should question any source when you have a group that thought Uganda and Idi Amin were good guys, your a judge.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. It's obvious what's going on, if you can't kill it one way, you kill it another. I...and I'd...I have no real suggestions how we get out of this dilemma. We're going to be here for the next four hours on this...on a bunch of crazy amendments that have nothing to do with the subject matter. Is...is...let me ask the...the Chair a question. Is...is a question of germaneness to the amendments that are proceeding from here, Mr...Mr. President?

PRESIDENT:

Well, Senator Newhouse, the Chair will be constrained to rule that the amendment is germane, it amends the same chapter and section as did Amendment No. 2. Further discussion? Senator Newhouse. Senator D'Arco.

SENATOR D'ARCO:

Mr. President, Ladies and Gentlemen of the Senate, Amendment No. 2 dealt with a specific question and we voted on that question and we voted some of us to oppose the amendment and some of us to support the amendment. Now, we're...we're

talking about...an amendment that addresses a problem that is go general in scope nobody has any idea what we're talking about. We understand there are problems in South Africa, but to say to prohibit trade because the policies of a country are unfair to America, I mean, that is so general in nature nobody knows what it means. Now let's...let's be fair about it, you lost on Amendment 2, why don't you just take the loss with dignity and grace, sit down and quit trying to do something that just has no appeal to anybody in their right mind.

PRESIDENT:

All right, any further discussion? If not, Senator Keats may close.

SENATOR KEATS:

I appreciate...you...appreciate that, Mr. President. In closing, I'll raise one or two points. I appreciate the comments of the sponsor of the bill. I...I'm...I'm sorry to hear he's only offended by murder in one country. I'm offended by genocide anywhere. I'm offended by genocide in Afghanistan. You know, if you're the kid who gets blown up with those little bombs they drop for the kids to play with in Afghanistan that the Russians drop, if that doesn't offend you, maybe we should ask questions about how easily you offend. I'm offended by genocide anywhere in the world. This is a specific question that deals with...if our trading policy is to be limited to those countries that live up to our standards, then that's fine, and I can live with that without an ounce of trouble. If the issue is human rights, then let's say human rights for everyone in the world is of identical value. One person's human rights should be as important as the next and to somehow say, gee, this country's human rights are less important than that country's human rights. I am offended to say that I am less concerned about one person than I am about another. I'm as offended by genocide in one place as another, I'm...as offended by the

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lack of human rights in one country as in...as another. Freedom should be a term that we apply evenly, and I would appreciate your affirmative vote.

PRESIDENT:

Question is the adoption of Amendment No. 3 to House Bill 2630. Those in favor of Amendment No. 3 will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 19 Ayes, 28 voting No, none voting Present. The amendment fails. Further amendments, Mr. Secretary?

SECRETARY:

Amendment No. 4 offered by Senator Jeremiah Joyce.

PRESIDENT:

Senator Joyce on Amendment No. 4.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Amendment No. 4 would direct the fiduciary to consider discrimination...ethnic and religious discrimination in Northern Ireland before they make a decision to invest funds doing business there. While Northern Ireland certainly hasn't received the attention that the Africa...South Africa has received in recent months, discrimination there is severe. This gives us an opportunity to go on record and say that we are concerned about it, and I ask for your support.

PRESIDENT:

Any discussion? Any discussion? If not, all in favor of the adoption of Amendment No. 4 indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 3036, Senator Welch. On the Order of House

Bills 3rd Reading is House Bill 3036. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 3036, Mr. Secretary.

SECRETARY:

Amendment No. 11 offered by Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This amendment is similar to one I offered last week on this bill. We've been doing some negotiating. We now have the Environmental Protection Agency in the position of being neutral on the bill. In addition, the...Illinois Environmental Council is now in support. What the amendment does is to clarify the law which is now subject to dispute as to what law applies for a permitted waste facility when that facility's permit is brought into court for a lawsuit. Currently, the confusion which exists with the law has led to further litigation beyond the initial lawsuits. The amendment will clarify this...the source of the confusion and make it clear that the law that applies is the law in existence at the time the lawsuit ends, and I would move for adoption of this amendment.

PRESIDENT:

All right, Senator Welch has moved the adoption of Amendment No...

SECRETARY:

...11.

PRESIDENT:

...11 to House Bill 3036. Discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. I appreciate the sponsor's comments, but this amendment...it is the same lan-

guage as it was the last time that it failed on a verified roll call at 25/25?

PRESIDENT:

Senator Welch.

SENATOR WELCH:

I don't think there was a verified roll call. It was 27 to 27, as I recall.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

I think that's...we did verify...but my question would be...my...my objection to it is the same and that is that we are trying to change the rules in the middle of the game. It's an equity question. If business has filed for a permit and been denied and they take it to the Court of Appeals, then what is the purpose of changing the rules in the middle of the game?

PRESIDENT:

Further discussion? Senator...oh, I...I thought that was a statement. I beg your pardon. Senator Welch.

SENATOR WELCH:

The questions that have been posed should be stated in the reverse; that is, what if a company is awarded a permit and they are brought into court and then after years of litigation they seek to enforce that permit? The question then...then arises, which is currently going on in the State and the lawsuit is, what law applies when they try to act upon their permit? Is it the law at the time in 1980 or '32 whenever the permit was awarded or is it the law that's been passed by the Legislature in most recent actions being the will of the people in more recent days, and the purpose of this is to clarify so that there won't be continuing litigation trying to determine which law applies. This amendment will state that the law at the time of the litigation ends is

what applies.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I am troubled, too, Senator Welch, by...by the amendment and I...you know, we've had a...a two-year long process here where this decision has been under...under appeal and what we're saying here is that we have to go back, make a...make a reapplication for the appeal...reapplication, make a new application subject to...to the...the rules that are in place now, and I think that's the objection that we have and...and I just simply don't think that this is proper or correct.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

My understanding of this amendment is that if...if I am a company...say, Company A, I appeal a decision, I was told in 1980 to...to do something, got a permit and I go all the way through the appeal situation and I agree to do this, finally, in 1985. Now, in 1985, all of a sudden there's...whole new set of rules, then I've got to go under the 1985 set of rules? Is that what you're telling me? You got to start all over again?

PRESIDENT:

Senator Welch.

SENATOR WELCH:

You have to comply with the rules in effect when you're trying to effectuate your permit, yes.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

In effect...couldn't I be in court the rest of my life then by the time I appealed that one, I could get up into another set of rules in 1990. I mean, you know, it just seems to me we ought to not change the rules in the middle of the stream, that's sort of...

PRESIDENT:

Further discussion? If not, Senator Welch may close.

SENATOR WELCH:

Well, as far as changing rules in the middle of the stream, what we're doing is saying that every year we come down here and pass new environmental laws, we're changing the rules in the middle of the stream. What we're saying is people have to comply with the law as the Legislature enacts at the time they start to develop that permit, to start putting in their toxic dump. I think that this legislation is going to clarify the law, number one; number two, it's going to result in less litigation because right now every time there is a lawsuit in which there's a denial of a permit, there is then a lawsuit to determine after a permit is awarded what law applies. Do you go back to the law at the time you applied or is it the new law? This amendment will clarify that and I'd move for adoption of the amendment.

PRESIDENT:

All right, Senator Welch has moved the adoption of Amendment No. 11 to House Bill 3036. Any further discussion? Roll call has been requested. Those in favor of Amendment No. 11 will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 27 Nays, 1 voting Present. Amendment No. 11 is adopted. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

I do apologize because the hour is late, but I'd like to have it verified, please.

PRESIDENT:

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

SECRETARY:

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

PRESIDENT:

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

SENATOR DONAHUE:

Senator Dawson.

PRESIDENT:

Is Senator Dawson on the Floor? He's on the Floor. He's in the Well, Senator...

SENATOR DONAHUE:

Just walked in. How 'bout that?

PRESIDENT:

Yes.

SENATOR DONAHUE:

Senator Lechowicz.

PRESIDENT:

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

SENATOR DONAHUE:

Senator Netsch.

PRESIDENT:

Senator Netsch is in the telephone...

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SENATOR DONAHUE:

...whoops, there he is. Thank you, Mr. President.

PRESIDENT:

All right, the roll has been verified. There are 29 Ayes, 27 Nays, 1 voting Present. Amendment No. 11 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. The Chair made a mistake. I...I was working off a different list...an earlier list, I skipped 2738. So, if we'll revert to page 5 on the Calendar, at the bottom, House Bill 2738. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2738, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz on Amendment No. 3.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Amendment No. 3 merely makes technical changes to put this DUI clean-up bill in line with the agreement made with all parties. It is...clarifying language only, and I would ask for the adoption of the amendment.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 3 to House Bill 2738. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 4 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz on Amendment No. 4.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Amendment No. 4 merely clarifies a problem that has occurred in Cook County regarding the cost of any professional evaluation after a conviction, and the amendment clarifies that the cost shall be paid by the individual required to undergo the evaluation. I would ask for its adoption.

PRESIDENT:

All right, Senator Marovitz has moved the adoption of Amendment No. 4 to House Bill 2738. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Middle of page 7, House Bill 3043, which is currently on the Order of Consideration Postponed, Senator Lemke seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd, House Bill 3043, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this amendment does in this bill is to take out the mandate programs for due process which some of the members objected to. I ask for its adoption.

PRESIDENT:

All right, Senator Lemke has moved the adoption of Amendment No. 3 to House Bill 3043. Any discussion? If not, all

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

SECRETARY:

No further amendments.

PRESIDENT:

Back to consideration postponed, Mr. Secretary. 3053, Senator Degnan. On the Order of House Bills 3rd Reading, middle of page 7, is House Bill 3058. Senator Degnan seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 3058, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Degnan.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Amendment No. 3 is actually a rewrite of an amendment previously adopted as Amendment No. 1. I think...it's clarifying language. I'd like to move...having voted on the prevailing side move to reconsider Amendment No. 1 and then Table that amendment.

PRESIDENT:

Secretary informs the Chair that Amendment No. 1 has already been Tabled.

SENATOR DEGNAN:

Does the bill contain an amendment now? Amendment No. 2 I want reconsidered then.

PRESIDENT:

All right. All right, Senator Degnan having voted on the prevailing side now moves to reconsider the vote by which Amendment No. 2 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Senator Degnan now

moves to Table Amendment No. 2 to House Bill 3058. Any discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 2 is Tabled. Further amendments, Mr. Secretary?

SECRETARY:

Amendment No. 3 offered by Senator Degnan.

PRESIDENT:

Senator Degnan on Amendment No. 3.

SENATOR DEGNAN:

Thank you...thank you, Mr. President. Amendment No. 3 now is the committee amendment. That amendment which was adopted in committee is suggested by the Cook County Recorder of Deeds, affects Cook County and has Torrens system only and smooths the process and the workload in the Cook County Recorder of Deeds Office.

PRESIDENT:

Senator Degnan has moved the adoption of Amendment No. 3 to House Bill 3058. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 4 offered by Senator Degnan.

PRESIDENT:

Senator Degnan on Amendment No. 4.

SENATOR DEGNAN:

Thank you, Mr. President. Amendment No. 4 provides a thirty-five hundred dollar annual stipend to be paid to the twenty-one elected county recorders not including Cook for additional duties required by the Department of Revenue. The total cost to the State of this amendment is seventy-three thousand five hundred dollars.

PRESIDENT:

All right, Senator Degnan has moved the adoption of

Amendment No. 4 to House Bill 3058. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 9. Senator Savickas seeks leave of the Body to return House Bill 3298 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 3298, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Savickas.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Would the Secretary read the LRd number? There's been...in the last hour four different amendments on...they're trying to resolve this problem.

SECRETARY:

LRB8410526RCLMAM10.

SENATOR SAVICKAS:

Wait. Is that LM or ML?

SECRETARY:

That is ARCNLAM10. Okay?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, Mr. President and members of the Senate, House Bill 3298 as amended tried to address and hopefully addresses the concerns raised by the alarm contractors, the AFL-CIO and the mechanical specialty contractors. Hopefully, this amendment clarifies the current law to require only contractors to be licensed or registered and it would exempt electricians and

other employees from the burdensome process of registering and being...fingerprinted. The amendment also extends the grandfathering period of the law to December 31st of this year for those electrical contractors and changes the years of experience necessary from three to two. I think that this one may change it down to one. We passed this bill out of committee with the understanding that these parties would continue negotiations. They have been meeting; hopefully, this is the amendment that will resolve the problems that they've expressed. I'm not sure that R and E is totally responsive to this amendment, and the last talk...I don't know if all of the parties are very happy with the amendment, but it's the only one we have...if nothing else, we would like to get it on, send this back to the House, if there is a problem, they can work it out; if not, it will pass and it will resolve what we originally hoped for. I would move its adoption.

PRESIDENT:

Senator Savickas has moved the adoption...of Amendment No. 1 to House Bill 3298. Any discussion? If not,...Senator Schuneman.

SENATOR SCHUNEMAN:

Yes, question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I'm not...I just received the analysis of your amendment and I'm not sure that your amendment addresses my issue, but I...I've received some mail from people like Amway distributors who sell alarm systems to homeowners, and they make the argument that they should not be required to be licensed because homeowners sometimes buy these alarm systems and install them themselves. Does this amendment...or the bill, for that matter, address that issue?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

No, I'm informed it does not address that issue, but that was in part of...evidently the problem or the discussion.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

I'm sorry, I didn't hear what you said. It was not part of the discussion?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

That's my understanding because that wasn't originally considered as part of the problem. The problem dealt with those that are installed and...sell and maintain these systems...

PRESIDENT:

...Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, I understand that, but could I just ask you...I...I think these people raise an...a valid request in that there are many homeowners apparently in Illinois who would like to buy some kind of alarm system for their home and install it themselves. Now they may not be as sophisticated, they may not be as good as a professionally installed system, but it seems to me that...that we're going in the wrong direction if the State requires that every Amway distributor, for example, be a licensed burglar alarm installer if they simply sell those pieces of equipment, and I would ask that somewhere along the line we give some consideration of those people.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator Schuneman, I...I guess you're right. This issue was brought up last year and evidently it addresses in the Act...the present Act those retail outfits, like Radio Shack or whatever, maybe Zayre's, that sell retail through an outlet, they are exempted from this provision. Evidently the problem with Amway is that they are...sell through catalog and that is not mentioned in the Act. I guess there's no problem with trying to get them in. An amendment was offered last year...I understand, but no one really picked up on it and no one pursued it.

PRESIDENT:

All right, further discussion? If not, Senator Savickas has moved the adoption of Amendment...Senator Schuneman. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Just so the Body knows what we're talking about here, the Amway distributors are not selling through catalog, they're selling through people who go out and actually make calls in the home selling other home products; and so, I'm going to come over and talk to you, Senator, and see if there's some way we can work it out.

PRESIDENT:

Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 3298. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Savickas.

SENATOR SAVICKAS:

Mr. President, while I am up at the mike, I would like to take this opportunity to just comment that my seatmate...his wife is in the gallery...his wife, Dianna, his daughter,

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Stephanie, his parents and her parents, and they are celebrating twenty-four years of wedded bliss. Twelve years ago when I first met Senator Demuzio, I didn't think his wife would ever last that long with him, but I...she must have a great big heart.

PRESIDENT:

Happy anniversary and will our guests in the gallery please rise and be recognized. Top of page 9, on the Order of House Bills 3rd Reading is House Bill 3302. Senator Lemke seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Leave is granted. On the Order of House Bills 2nd, House Bill 3302, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senators Lemke and Geo-Karis.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Home Repair Fraud Act to put it in conformity with the Senate version that's in the House and also adds the text of 1632 which passed out of this which allows the three-day cancellation provision for home repair contractors which was passed out of the Senate, I believe, with over 50 votes. I ask for its adoption.

PRESIDENT:

All right, Senator Lemke has moved the adoption of Amendment No. 2 to House Bill 3302. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the Order of House Bills 3rd Reading is House Bill 3340. Senator Lemke seeks leave of the Body to

return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 3340, Mr. Secretary.

SECRETARY:

Amendment No. 7 offered by Senator Lemke.

PRESIDENT:

Senator Lemke, Amendment No. 7.

SENATOR LEMKE:

The thick amendment or the thin amendment?

SECRETARY:

Pardon?

SENATOR LEMKE:

Is this the...the big amendment?

SECRETARY:

Yeah, this is the thick one.

SENATOR LEMKE:

What this amendment does is amends House Bill 3340...creates the...the Illinois Mortgage Foreclosure Act which integrates existing Statutes in Illinois case law and some new provisions in comprehensive foreclosure law. Also, the Illinois Home Mortgage Counseling law which creates a system of a certified not-for-profit counseling agency to assist delinquent borrowers in working with their lenders and which would not be funded with State monies and, three, the Illinois Homeowner's Emergency Assistant Act which creates a temporary four-year...program if funded by a separate appropriation would exist...would assist many borrowers in...in default due to a change in their financial condition such as a...huge layoff at Caterpillar or steel mills. I ask for its adoption.

PRESIDENT:

All right, Senator Lemke has moved the adoption of Amendment No. 7 to House Bill 3340. Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, a point of parliamentary inquiry. Is this germane?

PRESIDENT:

Yeah, the Chair is prepared to rule, Senator Topinka, that the amendment is germane. Both the bill and the amendment deal with Chapter 110. Senator Topinka.

SENATOR TOPINKA:

I'll settle with that and work off my amendments.

PRESIDENT:

Thank you. All right, Senator Lemke has moved the adoption of Amendment No. 7 to House Bill 3340. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 8 offered by Senator Lemke.

PRESIDENT:

Senator Lemke, Amendment No. 8.

SENATOR LEMKE:

What this does is amends the bill...or moves the requirement that counties...reimburse the Office of the State's Attorney Appellate Prosecutor for services rendered in...assisting state's attorney in handling tax objection cases. What this is is a bill...represents a bill that...3583 that didn't get out of Rules because of the time period and...and I...it passed the House 103 to 9. The State's Attorney's Appellate Prosecutor...program says that this creates a bookkeeping problem. There's only about eight or nine throughout downstate Illinois and doesn't affect Cook County or the larger counties, and I think it's a good amendment and I think it'll...save the State some money in the long-run. I ask for its adoption.

PRESIDENT:

All right, Senator Lemke has moved the adoption of Amend-

ment No. 8 to House Bill 3340. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 9, by Senators Topinka, DeAngelis and Keats.

PRESIDENT:

Senator Topinka on Amendment No. 9.

SENATOR TOPINKA:

Yes, Mr. President, I would like to withdraw Amendments No. 9 and 10 at this time so that we might proceed to 11.

PRESIDENT:

All right. Two amendments have been withdrawn. Mr. Secretary.

SECRETARY:

Amendment No. 9 offered by Senator Topinka, Keats and DeAngelis.

PRESIDENT:

Senator Topinka on Amendment No. 9.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, what Amendment No. 9 is it now?

PRESIDENT:

It is 9, yes, the other two having been withdrawn.

SENATOR TOPINKA:

...first of all, it is the kind of fat amendment that you have here and I want everybody to know because of its size it is not the Medical Practice Act, that's for starters and I'm sure everybody will be happy about that...it is not, even though it looks similar in size, I just wanted to clarify that before anybody would be concerned at its size. The second thing is what it actually does, and it basically deletes from the bill the counseling services as well as the general assistance services for lending which the previous

amendments that Senator Lemke put on this bill did. I admire Senator Lemke for what he's trying to do here by reinstating the Mortgage Foreclosure Act which I think everybody is in agreement on of all the groups that are involved in lending, but considering this particular part that we are trying to amend out is opposed by such groups as the Independent community banks, the Illinois League of Savings Institutions, the Illinois Association of Realtors, the Illinois Savings and Loan Commission, the Illinois Mortgage Bankers, Household Finance, Homebuilders Association, Department of Commerce and Community Affairs, the Illinois Department of Revenue, Illinois Credit Union League and Citicorp, I think there still has something left to be desired here. What it...what it ultimately wishes to eliminate is the ability of putting basically almost a public aid welfare program into lending into the private sector. Philosophically, I happen to be opposed to that. The State of...of Pennsylvania has a similar program. It's already at around seventy-seven million two hundred and fifty thousand dollars and counting which it has impacted on the state there and I think we set up a bad precedent. So, my amendment seeks to eliminate that part leaving just the Mortgage Foreclosure Act in Senator Lemke's bill.

PRESIDENT:

Senator Topinka has moved the adoption of Amendment No. 9 to House Bill 3340. Well, so do a lot of people. Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is probably one of the best concepts that we've considered in sometime. In areas of the State with high unemployment, individuals are losing their homes due to mortgage foreclosures. Individuals who have worked all their lives and paid taxes now find themselves on unemployment,

unable to make their mortgage payments. My area still has an unemployment rate of ten or eleven percent. These folks are having a difficult time keeping up with the mortgage, keeping up with the food on the table, clothing for their children. My regret is that we haven't had this bill sooner...that we haven't had this program, and the way it is funded is through the tax on unemployment compensation. There's now a tax on...unemployment compensation, those funds will be going into a pool and used to help these individuals with their mortgages. It is a good portion of the bill. It is needed in Illinois, perhaps not in Senator Topinka's area but in the other pockets of unemployment, other pockets that have not yet recovered. I think that anyone who has any compassion for the long-suffering, unemployed factory worker should consider voting against this amendment and for the legislation as drafted by Senator Lemke. Thank you.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I am I guess trying to address Senator Topinka's amendment in relation to Senator Lemke's previous amendment for the state's attorneys and the appellate prosecutor. Evidently, Senator Topinka's amendment strikes everything after the title which strips the amendment we just adopted of Senator Lemke's and throws that out of kilter...Senator, could you address that portion of your amendment?

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, it does take that part away as well, because we did not know that that amendment would be forthcoming or covering that particular aspect. We are going specifically after the assistance and the counseling services that are involved in

the Mortgage Foreclosure Act, which, by the way, does not tie into...is not tied into unemployment compensation.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, I...I could see some of the merits of Senator Topinka's argument but she's just...just killed a...a bill that I think is very helpful to all of our state's attorneys in all of our counties, and I think we should probably defeat her amendment.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise also in strong opposition to Senator Topinka's amendment and would really like to make just one point of many that could be made. I think I heard her refer to the provisions...the so-called relief provisions...the foreclosure provisions as a welfare program and I...that is absolutely so far from the truth. What the provisions are designed to do is to reach those people who...as matter of fact, have probably never been on welfare in their lives but who because of the economic ups and downs in this State may be having a temporary difficult time in meeting their mortgage payments. They are people who have an interest, they have a home, they have a stake in the community and they've been paying on their mortgage, but...for whatever reasons, economic reasons they are not able fully to satisfy it at this moment in time. What this is intended to do is to provide a means whereby there will not be foreclosure, they can continue to be stable members of the community and homeowners. It gives them up to three years to get back on their feet, and if they are not back on their feet in that time, then the law will take its course in terms of foreclosure. These are they very working people that all of us have

recognized to become a new part of the economic problems in this country and particularly in our State, and to suggest that it's a welfare program to try to help people to maintain their homes in a manner that in no way, shape or form denies the financial interests what is coming to them is...is just inaccurate. It seems to me that anyone who represents working people ought to be very strongly in support of Senator Lemke's bill and opposed to this amendment that would eliminate one of the crucial parts of that bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr...Mr. President and Ladies and Gentlemen of the Senate, I hold in my hands here legislative position from the Illinois Bankers Association, dated 19th of June, 1986, telling us that they strongly support the bill before Miss...Senator Topinka's amendment, so I don't know where she gets the information that they're opposing it. I've got it right in my hands.

PRESIDENT:

Further discussion?

SENATOR GEO-KARIS:

As long as...my I finish? As long as the...Department of Financial Institutions was involved with it, that's what they wanted and that's what's in there, and under this letter they tell us that this bill does not allow the State...State agency supervising these programs, meaning the Department of Financial Institutions, to promulgate any rules or regulations that would affect lenders except for the forms or notice to be sent or unless some other Statute already provides for such regulations. So, I don't understand.

PRESIDENT:

Further discussion? Senator Collins. Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. As...as I understand it, what we've just done is abolish an Act that would establish a civil cause of action against persons who obtain or assist in obtaining public benefits by a fraudulent means. Is that your purpose, Senator?

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

No, we did not do that. Doesn't affect that at all.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, as...as I read your bill, it deletes everything after the enacting clause which, in effect, does just exactly that. Is that what you intended to do?

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

If you'll look on page 63, line 33, it should address that issue. No, it is not our intention and, no, it should not be reading that way.

PRESIDENT:

All right, further discussion? Further discussion? Senator Topinka, you wish to close?

SENATOR TOPINKA:

Yes, if I might.

PRESIDENT:

I beg your pardon. Senator Lemke. All you have to do...that's why those little switches are...

SENATOR LEMKE:

I thought it was on...okay. I...I rise in opposition to this amendment. This amendment destroys everything in the bill and it's a position of...of one thing. I heard state-

ments that the Department of Revenue was against this. They have withdrawn their opposition. The Governor's Office has become neutral on this...this...this matter. My understanding...I got a...we passed out some letters from the mortgage bankers which the biggest mortgage banker, Fannie Mae...June 20th of 1986, who states...states that this bill...no way effects mortgage banking; in fact, makes the discount mortgages greater. The bill that's drafted deletes everything after the enacting clause which takes away some causes of actions for other people, and I think that this amendment destroys the whole concept of what we're trying to do in the State of Illinois and that is to make Illinois mortgages saleable outside of Illinois to mortgage bankers in the discount business. It's my understanding in talking to people that are in this business that with the present bill that...as we have it drafted and have amended it to 3340, this will be the model Act in the nation, this will be a progressive bill, this will be a bill that will lead Illinois forward; it will improve the home building, it'll improve the sale of houses, it will...it will improve housing in the State of Illinois and that is what we're trying to do, and the position is here is a very simple position, it's an institution in this State that wants to be conservative and be against something that does not in any way affect them financially. It does not in any way...affect the savings and loan industry financially, and if you're talking about Household Finance, those people that charge thirty and forty and fifty percent interest and bleed people because they can't...their lien is going to be stopped when the...when the guy gets in financial trouble, is that who we're trying to protect, those people that can legally charge...in this State? That's who you're talking about protecting? Fine. You do it. You...vote with Household Finance that legally bleeds people and charges them excessive interest on automo-

biles, who puts them in this trouble under mortgages. They are the outfits that are doing it and if you want them, fine, vote with them, but I think that this is progressive in the State of Illinois. It's progressive for the savings and loans as well as the banks. It's progressive for the people and it will help us get rid of these problems that we have in the State of Illinois when we have high unemployment because of big layoffs like Caterpillar and the steel mills. It will preserve those little savings and loans in those areas, not Tallman, not First Federal, it will save the little savings and loans that have these mortgages in the...in these communities downstate, that's what this bill is going to do. It's going to allow them to collect some money so they don't have to foreclose on two thousand people at once, that's what it's going to do, and I think this is a good bill and I ask for...a No vote on this amendment.

PRESIDENT:

All right, any further discussion? If not, Senator Topinka may close on Amendment No. 9.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I...I appreciate Senator Lemke's argument. I realize he has a kind heart and he gets very emotionally involved in his bills. Let me try and address this as objectively as possible, not because we're supporting any particular group or that any particular group is going to make money off of this, but let's look and see what this can do and, indeed, it would be progressive but it would progressively get this State into the hole. One problem that this legislation that...in this...the...the Lemke legislation right now does not address and which our amendment takes into consideration is FHA mortgages which supply sixty-nine percent of all mortgages in the State. Sure the Illinois Bankers' Association is in support but they only have about seven percent of the

mortgages, they're not a primary lender in this State. Let's go on a step further. This legislation would provide subsidies to individuals because of first, second and even third mortgages. They no longer have any equity in their home. Because of that, ultimately, insurance companies have a tendency not to write insurance for those...for those premises with third and fourth mortgages and they'll deny coverage. Then, we get to the point of, would it restrict out-of-state investment and residential loans, and that it would do as well. It would eliminate lending to marginally qualified borrowers, and let me suggest that it...the legislation as it sits without this amendment doesn't even begin to identify just who this applies to. So, as a result, anybody...not just the head of the household who's unemployed but anybody could apply for this; for instance, if any of us here lose our next election, we would qualify and I think that's, you know, peaches, but, gees, how far do want to take this? There are no borders, there are no boundaries, it just goes on and on. Again, the State of Pennsylvania is a state that has legislation similar to this. It has the only program of this type. It has seen a tremendous expansion of this program. It's already got a...a caseload of fifteen thousand cases and counting, it's experiencing extensive delays in evaluating circumstances of unemployment, underemployment, medical, marital and other problems, and current applications are running at four hundred and fifty per month. Currently, the Pennsylvania program has, again, and I cite cost, seventy-seven million two hundred and fifty thousand of state tax revenue and it is climbing. Eight million has already been identified as lost and uncollectible by that state. Now I think Illinois should look at this. It's a great idea and I think everybody wishes to be charitable, but somewhere, somehow, someone has to put up the tab for this and I would encourage the passage of this amendment. It is fair and it

is decent.

PRESIDENT:

Senator Topinka has moved the adoption of Amendment No. 9 to House Bill 3340. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 22 Ayes, 32 Nays, none voting Present. Amendment No. 9 fails. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Carroll, on the top of page 10 is House bill...on 3rd reading, 3396. Senator Carroll seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House bills 2nd Reading, House Bill 3396, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senators Carroll, Welch and Luft.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. While the recall list had shown several people suggesting amendments, I want to thank them, other than a technical one to follow, the others, it is my understanding have been withdrawn by their sponsors; and I thank Senator DeAngelis and Senator Sangmeister for working with us in an attempt to agree to and work out that portion that deals with McCormick Place in a sensible manner that accomplishes the purposes of the General Assembly without in any way inhibiting the board or the board's counsel from rendering

HB 3422
Recall

the type of opinions that are necessary in order to issue bonds. This particular amendment would add the language suggested by the attorneys for the board to authorize the refinancing of the outstanding bonds providing those will be on parity with the other already existing bonds and requiring the board to work with the Bureau of the Budget and to advise by copies the refinancing plan to the four legislative leaders as soon as practical after the issuance. I would move adoption of Amendment No. 5.

PRESIDENT:

All right. All right, Senator Carroll has moved the adoption of Amendment No. 4 to House Bill 3396. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 5, by Senator Luft.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 5 is technical. It puts the section numbers in consecutive order.

PRESIDENT:

All right, Senator Luft has moved the adoption of Amendment No. 5 to House Bill 3396. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. All right, on the Order of House Bills 3rd Reading, top of page 10, is House Bill 3422. Senator Davidson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave

granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 3422, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Etheredge.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the amendment which we discussed at some length last week...last Friday shortly before adjournment. It reduces the weighting for the...Chapter I students from .625 to .60 and during that discussion while there were some who supported the idea and...and, in fact, I think that there are a majority of us here on the Floor who are...in...in support of the amendment, there were a number of people who spoke very vehemently against...against this amendment. I continue to think that the amendment is a good one, that it does represent a step toward greater taxpayer equity. There's not a school district within my legislative district that's not conducted at least one tax referendum with...over the last five years. There's one district in particular that has conducted five separate referenda. It took them that many referenda in order to...to increase their...their taxes a bit so that they could maintain their educational program. I submit to you, ladies and gentlemen, that they...that the present school formula as it works, as it is in operation now does not equitably...distribute the State's funds to the various school districts. I think that we need to pass legislation which would change the Chapter I weighting. However, the...House sponsor of this bill has made a specific request that I withdraw this amendment at this time. He was courteous enough to extend me the opportunity to try to put this amendment on. At one...at one time, he felt it was a good amendment but...however, I have determined out of cour-

HB 3548
Recalled

tesy to the House sponsor to withdraw this amendment at this time, but I would like for us to remember this idea; remember, please, that there is a need for equity...greater equity in the distribution of...of State funds as we review the school funding formula over the next year. I ask to withdraw this amendment, Mr. President.

PRESIDENT:

All right,...gentleman has asked that the amendment be withdrawn. That request is in order. Are there further amendments, Mr. Secretary?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Schaffer on 3548. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Since there was no amendment placed on 3422 and it's in shape for final passage, could we pass it or do you want to go back through the whole...

PRESIDENT:

Well, we'll...we'll go through the whole list. Everybody is evenhandedly treated around here. I didn't put it on the recall list. All right, Senator Schaffer seeks leave of the Body to return House Bill 3548 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 3548, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senators Schaffer, Jerome Joyce and DeAngelis.

PRESIDENT:

Senator Schaffer on Amendment No. 3.

SENATOR SCHAFFER:

If I might, is that the amendment I checked a little

while ago? I want to withdraw that amendment, please.

SECRETARY:

Amendment No. 3 offered by Senator Schaffer.

PRESIDENT:

Senator Schaffer on Amendment No. 3.

SENATOR SCHAFFER:

Is this the amendment we just filed? All right. There are several amendments floating around, I want to make sure we're...we're on the right wavelength. This is the Governor's solid waste management proposal that I think many of you have heard about. It...when we were in committee at...committee of the...and during the hearings, we came up with three problems that were in the bill, and I told the committee members we would address those three problems, and we have done that plus several others...that were of much smaller, technical nature. Specifically, the major problem was that the tipping fee we were going to impose might be a hardship on some companies that did not...that were in a contract and could not pass it on. We have attempted to solve that by exempting those companies and we discover it's not very many that are locked into a contract without a trapdoor...an existing contract. In addition, we have exempted those people who dispose of their own waste in an appropriate manner on-site; and we have also tightened up the language on the local charge that could be brought so that that money could be used only exclusively by the local municipality or county for those things that relate directly to the landfill such as monitoring, not for building new courthouses or city halls or other things. In addition, we have attempted to deal with another issue which came up in the course of the deliberations that has to do with special waste. I think some of the members may have heard a little bit about that, particularly from the Illinois Manufacturers' Association. What we've done is authorize that the...the EPA to go over this special waste category and

remove those things that are not, in fact, hazardous or a special waste if it's appropriate; if it's not appropriate, they stay that way. The language has been worked out. It's a compromise that I believe all sides involved can...can live with. We have not heard from everyone on this subject and not everyone has signed off; obviously, the language is...has been hammered out in the last few hours and they haven't had a chance. I think it would be...reasonable to predict that this may end up in a Conference Committee and that we will see it again, but that...we have attempted to address all of the problems we could at this point and...and to keep everyone as happy as possible while keep it a meaningful proposal and...bill. Be happy to answer any questions.

PRESIDENT:

Senator Schaffer has moved the adoption of Amendment No. 3 to House Bill 3548. Discussion? Senator Joyce.

END OF REEL

Ms 3473
Recall

REEL #6

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I...I don't have a problem with this but some people may and...in the area of the special waste, and...if that bothers you, there is another amendment that can be floating around that will...does not deal with the special waste problem. We have for some time now had a special waste classification in this State and it is felt that there is...right now we've had an argument between Waste Management and...and the...and the...okay, and the Environmental Council and...and the Manufacturers' Association. So and...and that is about the special waste issue, but as Senator Schaffer said, I think it's safe to...be assured that this...this will be back in a Conference Committee and...and we can deal with that later. So, I would...I would urge an Aye vote on this amendment.

PRESIDENT:

All right. Senator...Schaffer has moved the adoption of Amendment No. 3 to House Bill 3548. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Finally, the final bill on the recall list, House Bill 3473. Senator Davidson seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of Tabling an amendment. Mr. Secretary. I don't know. How many are on there?

SECRETARY:

There are two...two amendments.

PRESIDENT:

...Senator Davidson...Senator Davidson wishes to reconsider and Table Amendment No. 2 to House Bill 3473. Senator Davidson.

SENATOR DAVIDSON:

Mr. President...voted on the prevailing side, I move to reconsider the vote for which Amendment No. 2 is adopted and then move to Table Amendment No. 2...Floor Amendment No. 2 to House Bill 3473.

PRESIDENT:

All right. Senator Davidson having voted on the prevailing side moves to reconsider the vote by which Amendment No. 2 to House Bill 3473 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The...vote is reconsidered. Senator Davidson now moves to Table Amendment No. 2 to House Bill 3473. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and Amendment No. 2 is Tabled. Further amendments, Mr. Secretary?

SECRETARY:

No...no further amendments.

PRESIDENT:

3rd reading. All right, if I can have your attention, we will now go down the recall list and call these bills for final passage. The Chair's record indicates that there are thirteen bills yet to be called, there are four on the Order of Consideration Postponed if the sponsors wish to go to that business and that will conclude our business for today. On the Order of House Bills 3rd Reading, House Bill 523. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 523.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 523 contains several provisions. This bill was amended in the House to provide the master distributors comply with the provisions of the Beer Industry Fair Dealing Act. The bill also expands the right of a municipality to sell beer in...a municipal own recreational buildings located on...rivers, and the bill also authorizes a one hundred thousand dollars...one hundred dollars per diem for the State Liquor Commissioners, the two members who serve on the Chicago License Appeal Commission and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicate he will yield. Senator Davidson.

SENATOR DAVIDSON:

Senator, has the Illinois Wholesale Beer Distributors withdrawn their objection to this bill which had earlier some part about a person who had two retail...could move beer from one to the other and which would...get a distributor having to be responsible for...out-of-dated beer that they didn't sell in the first place?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, as I understand this, Senator Davidson, this...this bill does not have anything to do with what you just said.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Yes, I'd like to ask the Senator a question along that same vein. Does...Senator Vadalabene, does this have anything to do with the...well, master distributors...does it allow for individuals to become distributors as opposed to the wholesalers now, because there was opposition from the wholesalers that they would not...that they would have too much competition within their industry from...from new...many new people in this industry. Is that what this...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, it does not amend the definition of wholesaler at all in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Then it doesn't permit individuals to become distributors the same way as wholesalers are now then?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Uno momento.

PRESIDING OFFICER: (SENATOR DEMUZIO)

That means just a minute. (Machine cutoff)...Vadalabene.
SENATOR VADALABENE:

Yes, if an individual becomes a wholesaler, then he also can become a master distributor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Further discussion? All right. The question is, shall House Bill 523 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes

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3rd Reading

are 51, the Nays are 5, none voting Present. House Bill 523 having received the required constitutional majority is declared passed. House Bill 2486, Mr. Secretary. House bills 3rd reading, House Bill 2-4-8-6.

SECRETARY:

House Bill 2486.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President, members of the Senate. House Bill 2486 as amended would reduce the privilege tax down to the level of the downstate tracks. As you remember, in Senate Bill 1469 which passed last fall, we lowered the tax for the downstate tracks. This would bring all tracks in at the same level. It would establish the authority for a race track to conduct intertrack wagering, to establish two additional locations for the conduct of this wagering. It would contain provisions necessary for the DuQuoin State Fair operation as it relates to...to the State, either contracting for or conducting parimutuel wagering there. It would require fingerprinting of all applicants for occupational licenses from the Racing Board. Now just to give you a little history about horse track revenues. The State of Illinois has suffered a decrease in revenues from horse racing, back in '83 we were getting 68.5 million dollars a year and it's estimated this year that our revenues will be fifty-four million dollars or a decrease of fourteen million dollars. Now the horse racing in the State of Illinois it's estimated for this year that the distribution of that fund would go to the Ag. Premium Fund in the amount of twenty-two million, metro exposition buildings, 14.8; fair and expo., 3.1 million; Illinois standardbred, 1.6; thoroughbreds, 2.1; Track

HB 2630
3rd Reading

Improvement Fund, 3.5 million and veterans' rehabilitation, 1.5 and an estimated 5.3 million to the General Revenue Fund. Also in the provisions would be from the off...intertrack betting would be a provision for 1.6 percent of the wagering to go to the municipalities in which that facility is located. It's estimated that this would bring in 16.8 million dollars to the municipalities and 4.2 to the county at a .4 percent distribution. The results totally would be an increase of...in revenues to the State of twelve million dollars and twenty million dollars to the local governments.

If any of you have any questions, I'll be...I'll try to answer them for you; if not, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2486 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Senator...take the record. On that question, the Ayes are 50, the Nays are 7, none voting Present. House Bill 2486 having received the required constitutional majority is declared passed. All right. House bills 3rd reading is House Bill 2630, Mr. Secretary.

SECRETARY:

House Bill 2630.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco, 2630.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 2630 provides that the tax multiplier for the Chicago Park District shall be increased to 1.6 over a period of about five years. There is also an amendment on this bill that we just debated about

disinvestment of our pension funds from American companies doing business in South Africa. I think the amendment was debated, it got...it got 31 votes and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

Just a reminder that the original part of the bill has a...a nonreferendum tax increase. So it's a tax increase without any referendum whatsoever which is what the basic bill is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If...Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Yours is the bill that has the amendment of Senator Jones*, is it not, which provides not for disinvestment but not for future...but it provides for no future investment in South Africa. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, ladies and...Mr. President, Ladies and Gentlemen of the Senate, I certainly rise in...in favor of...to speak in favor of the bill because as long as the amendment that went on House Bill 2630 provides for future noninvestments in

7AB 2738
3rd Reading

South Africa and doesn't affect the present investment considering that we have all those pension bills, and certainly I...I happen to be one who's against apartheid, I certainly support the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the question is, shall House Bill 2630 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 22, 1 voting Present. House Bill 2620 having received...2630 having received the required constitutional majority is declared passed. All right, House bills 3rd reading is House Bill 2738, Mr. Secretary.

SECRETARY:

House Bill 2738.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 2738 permits county boards to authorize by ordinance a fee of up to thirty dollars to be added to all fines for DUI violations. It is also the DUI clean-up bill which has been negotiated...and agreed to by all parties, members of the bar and the Secretary of State's Office. Among other clean-up portions of the legislation, it permits the Secretary of State to use the same criteria for issuing a restricted driver's permit after revocation action as he currently can do after suspension. It reiterates that the judicial driving permit can only be issued to provide transportation for employment or medical purposes to relieve undue hardship when no other means of transportation is reasonably

HB 3036
3rd reading

available. And I think, perhaps, most importantly, it says that effective 1-1-87 the judicial driving documents will actually be issued by the Secretary of State rather than by the court. I would ask for adoption of this DUI clean-up legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Darrow.

SENATOR DARROW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Darrow.

SENATOR DARROW:

It's my understanding that you're increasing the court cost on a DUI to thirty dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

No, that's not correct. That...this bill authorizes up to thirty dollars for a surcharge after a DUI conviction...authorizes...it's not...there's nothing...there's no mandatory add-on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 2738 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2738 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 3036, Mr. Secretary.

SECRETARY:

House Bill 3036.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill does quite a few things, there are ten or eleven amendments put on it. First, the bill prohibits the...introduction of contaminants into sewage works from any nondomestic source. It requires the adoption of regulations identical to the United States Environmental Agency regs. to implement provisions of the Federal Water Pollution Control Act. It also requires Energy and Natural Resources to file an economic impact statement to the Pollution Control Board after regulations under the section are adopted. It exempts the Pollution Control Board from conducting hearings on the economic impact study. Variances and conditional permits shall be deemed granted if the Pollution Control Board fails to act upon a petition therefore within a hundred and twenty days instead of ninety days. It authorizes the Pollution Control Board to adopt regs. specific to individual person or sites, delays imposition of the underground storage tank fee from July 1 of '86 to July 1 of '87. An amendment to that permitted rather than required an economic impact study of regs. implementing the Federal...Water Pollution Control Act. The amendment also requires the applicant to follow current rules and regs. upon reapplication or...further permit request proceedings. It also prohibits the sale, lease or transfer of any commercial property which is serving or has served as a storage site for hazardous material without written notification to EPA prior to the transaction, the EPA then will inspect the site. It also requires the Pollution Control Board...this is a Pollution Control Board amendment that requires upon finding that the person appealing for the administrative citation as shown if the violation resulted from uncontrollable circumstances to adopt a final order which makes no finding of violations

HB 3058
3rd Reading

and to...impose no penalty, such as an act of God. Further, the PCB amendment empowers the Pollution Control Board to authorize bond issuances without referendum for sewage treatment plant, construction or system improvements. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Just to say that I do rise in support of this. It does have many good things in it and, hopefully, that the...with the last amendment on it, we can clean that up in Conference Committee. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3036 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the...54, the Nays are none, 3 voting Present. House Bill 3036 having received the required constitutional majority is declared passed. 3043 is on the consider postponed list. 3058. On the Order of House Bills 3rd Reading is House Bill 3-0-5-8, Mr. Secretary.

SECRETARY:

House Bill 3058.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 3058 as amended now does three things. First, it permits the county board of any county to provide an additional charge of one dollar for filing every instrument, paper or notice of record. That

money is to be used solely for the Cook County...for...I'm sorry, for that county's recorded documents storage system. Secondly, it changes the Torrens process in...which is applicable only in Cook County to afford additional time for the certificate purchaser to complete the memorialization without any way of affecting the rights of the owners of the real estate. And, thirdly, it provides a thirty-five hundred dollar annual stipend to be paid to twenty-one elected county recorders in the State of Illinois by the Department of Revenue. Again, the total impact of that part of the bill is seventy-three thousand five hundred dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3058 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 2 voting Present. House Bill 3058 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 3298, Senator Savickas. All right. House bills 3rd reading, 3298, Mr. Secretary.

SECRETARY:

House Bill 3298.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, the amendment we just adopted regarding the burglar alarm contractors evidently is the whole bill, and I would...since most of their concerns have been answered, I would move its passage and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3298 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3298 having received the required constitutional majority is declared passed. Senator Lemke. House bills 3rd reading is House Bill 3302, Mr. Secretary.

SECRETARY:

House Bill 3302.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Lemke.

SENATOR LEMKE:

What this...bill does, it sets up the Home Repair Fraud Act in the State of Illinois to get after the...unscrupulous contractors. I think it's a good bill, it's similar to 1634 and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right, discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Lemke, you say it was similar to the bill we sent out of here. I've...just advised that on...on recalls or 2nd reading, somehow you put an amendment on here that says anyone who goes and...and purchases home building materials has three days within which to change their mind concerning that purchase. Now, I know we have legislation on the books in Illinois and Federal law that where somebody solicits you in your home, and I think that's good, I think you ought to have a cooling off period whereby high-pressured salesmen come to your house and try to sell you something, you ought to be able to reconsider it. But I'm not so sure when I go into a retail establishment or a lumberyard and I decide that I'm

going to buy, for example, cabinets for my kitchen, that within three days I...I ought to have the right to disavow that contract. I think there's really no reason for that where I voluntarily do that; and my question to you, is that the situation? Let's take that factual situation where I go in and buy some kitchen cabinets for my home. Do I now have three days within which to disallow that contract?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Lemke.

SENATOR LEMKE:

...page 5, on paragraph 2, on line 169, where you're looking at, a sale of home repair services, it doesn't apply to kitchen cabinets. This is similar to 1632 that passed out...way over...fifty some votes. It just gives it three...for home repair services involving a hundred dollars or more. It's nothing to do with the purchase of cabinets. So, I mean, the lumber company doesn't...doesn't lose out in regards to cabinets. It's only home repair services.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, then, if I go into the lumberyard and I say I want some new kitchen cabinets and I order them...and also I say, by the way, do you have anybody who's going to install those cabinets and he comes out to my...I...I mean, that person would then be coming to my home. Does that still allow you then to disavow that contract because the party who's selling them to you will also furnish you a carpenter who will install them?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Lemke.

SENATOR LEMKE:

That doesn't apply where the consumer goes out to the lumberyard and buys the cabinets. It only applies when

this...the...the seller who's selling the home repair services goes to the...the...the...the...the company. If those cabinets are put into that house, they still have their mechanic's lien, but this is where the contract is with the guy that's doing the home repair services, he's the seller. It's not where the consumer goes into the lumberyard and buys cabinets or goes into Sears.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, if I understood that right then, whether you're purchasing cabinets or services, as long as you go into an establishment, whether it be retail, wholesale or whatever, and you make your contract there, whether it be for the material and/or the services that this law does not apply. Is that your legislative intent?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke.

SENATOR LENKE:

Our legislative intent is to allow a consumer to cancel a home repair service contract with a contractor. If he makes...if the person goes in and makes the contact, the consumer, then...then...they can't...they don't have three days. It's where the seller of the services contacts the lumber company or the supplier, it's not where the consumer does. If you read the language in the paragraph, it's there.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Several of the trade associations...or a particular trade association contacted me and...I think one of their concerns was that...that the wording of the amendment might in fact allow a consumer to void a contract for repair of, for example, an air conditioner or somebody...the homeowner calls up and...and orders repair to the...air conditioner, there has been contact between the consumer and the contractor and that in that instance, perhaps, the consumer could avoid the contract after three days. I'm not sure whether that's the case or not...I'd like to also give you another example. In the case of, for example, a windstorm, not uncommon for homeowners to call contractors immediately after windstorms and ask them to come do...or emergency repair on their homes, could they then within three days avoid the contract and not owe anything under the terms of that amendment?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Lemke.

SENATOR LEMKE:

No, that's not the case in emergency situations. We put that clause in for...in...in there for the contractors. This was part of the agreement on 1632. It says, "In a separate written, signed...a written agreement...writing signed by the consumer waive such cancellation rights because of emergency situation requiring that home repair contract to commence work within the three-day period." So that was put in there to exclude that type of situation.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, then, in that instance, the contractor if he wants to protect himself must then require the consumer to sign a contract and waive the consumer's rights? Is that...is that how you have this thing structured?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Lemke.

SENATOR LEMKE:

This is...this is structured similar to what we did with wage assignments on...on notes and so forth, that there has to be a separate agreement of waiving it; and I'm sure that in emergency situations there will be a waiver agreement, that is in there. We...we did that in consumer contracts where they were attaching wage assignments on the bottom in a perforated condition, that we...we said that has to be a separate agreement to waive it so the guy knows he's waiving his rights. We have done this in many situations and I think this was put in with...this is their language...this is the language they wanted in 1632. So, therefore, we put the bill identically like 1632 that passed out of here and put it in this bill, because I think that a consumer should have a three-day period and when he buys a house, he's got a five-day period to cancel the real estate contract which is of a great...a lot more money than we're talking about here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, thank you, Mr. President. I...to address the bill, I'm going to vote against this bill. I think there are enough questions about it and I was just informed that...that the bill, in effect, does apply if a home appliance is repaired by someone who did not originally sell that home appliance. So repair people who, for example, might respond to a homeowner's call could, in effect, as I understand it, avoid that contract and not be required to pay the bill if the bill is over a hundred dollars, and I think we better be careful about passing this kind of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and members of the Senate. First of all, I...I don't know where the sponsor gets the idea that everybody has somehow jumped on board this thing and is now in total agreement. The fact is, there was...there was an agreement prior to the adoption of this amendment; and with the adoption of this amendment, Senator Lemke, you lost some of your supporters. I mean, they happen to be standing outside the hall right now wondering what went wrong. Now maybe your intention is to throw this thing into some kind of a Conference Committee and add something to it later but, the fact is, this is not the bill that everyone was agreed to a few hours ago. Now, as to the question here, there is no doubt...language reads, "The consumer may avoid the contract or transaction by notifying the seller within three full business days." That means that that small businessman can go out and order the parts, he could even begin the work and then the consumer can come in and say, on second thought, I don't really think I want to go through with this thing and that small businessperson is out. Your point about the emergency situation is not very well taken because, let's face it, once a contractor starts going into people's homes asking for special clauses, letting them out in a three-day period, they're going to look very suspect, they're not going to be able to pull that off anyway. I don't think that's a realistic approach to dealing with this problem. This was a good bill and I think it's unfortunate this amendment is added because it now makes it a bill that is just anti-small business, and I don't think in the meantime it's going to do much for the consumer either. I'd suggest a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Lemke may close.

SENATOR LEMKE:

This language is the same language of a bill that passed out of here 55 to nothing, 1632. It's identically the same

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language that we agreed to in committee by...by all those contractors and retail merchants concerned. This is only where the seller of home repair services goes out and solicits the consumer. It does not apply where the consumer solicits the home repair service. It also has the waiver section in it. This is a good bill. This is a bill to allow people to...can get out of an unconscionable contract which we've seen last week where there's been indictments of seven more people on home repair frauds. It's a bill that protects honest businessmen where a consumer walks into a business and there was no agreement that I know of, the agreement was on 1632 and this was the agreement. If there was an agreement in the House, I'm not privy to that 'cause I wasn't invited to that by either the Attorney General or the Speaker or the sponsor of the bill or anything. I know this, that 1632 there was an agreement and if those people have backed off of that agreement and try to double deal me in the House, they are the culprits and this does not in anywhere...hurt small businessmen. This helps consumers who are solicited by people that knock on their door and if we want to get rid of consumers, we get rid of them, and this was part of an agreement. That's why we haven't called the registration bill yet. This is something we want to set up and this is a good bill, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 3302 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? (Machine cutoff)...all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 21, 4 voting Present. House Bill 3302 having received the required constitutional majority is declared passed. House Bill 3340. House bills 3rd reading is House Bill 3340, Mr. Secretary.

SECRETARY:

House Bill 3340.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

This is the bill that we discussed just a little bit previously. What it involves is the Mortgage Foreclosure Act, the...the appellate prosecutor provision and the right of action of local governments to recover from people that defraud...are paid wrong...wrongfully or defraud local governments out of...of money. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3340 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 19, none voting Present. House Bill 3340 having received the required constitutional majority is declared passed. Senator Lemke...Senator Lemke having voted on the...prevailing side moves to reconsider the vote by which 3340 passed. Senator Carroll moves to Table. Those in favor indicate by saying Aye. The motion is Tabled. House Bill 3396. On the Order of House Bills 3rd Reading is House Bill 3396, Mr. Secretary.

SECRETARY:

House Bill 3396.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

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

Senate. 3396, House Bill, as now amended is your bond authorization bill for Build Illinois, capital projects, school construction and the refinancing of McCormick Place. It is basically at last year's level plus a dollar as we have done that...other than in the McCormick Place case as we have done that...we have moved it along the process until we know what capital there actually is. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in opposition to 3396 for several reasons. First of all, I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Does this bill reduce the bond level authorization for Build Illinois?

PRESIDING OFFICER: (SENATOR DEMUZIO)

For Build Illinois...Senator Carroll.

SENATOR DeANGELIS:

Does this bill reduce the bond authorization for Build Illinois?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Yes, Senator DeAngelis, it does, as the authorization bill at this stage of the proceedings has done for a decade or better and that is to take last year's level plus a dollar and move it in the process, as I had indicated in my opening remarks, so that at that point that we have an appropriation, we will have an authorization that tracks. This is consistent with what we have done with the other authorization

bills in the past and does this for capital, school construction, particularly downstate schools, and Build Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator DeAngelis.

SENATOR DeANGELIS:

Senator Carroll, in the manner in which the...and I concur that McCormick Place ought to be refinanced, the money ought to come to the State. However, in your method...in your trickle down...in the Carroll trickle down system, I think it's been short-circuited to omit the opportunity for the downstate parks and tourism to get that savings. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator DeAngelis, I believe you will find that that is the same as in the Purposes Fund and the savings go to the Purposes Fund. Purposes Fund is, in effect, that which pays for what's available on an annualized basis, and here the savings go into that fund so they can be used for build projects. And I might remind you, Senator, and do as you wish, this right now is the authorization bill that is alive in the process and I would hope gets moved along so that we can authorize capital downstate schools and build. The others apparently did not get out of House Rules, not because of any action on my part, I thought they should have but this is all that seems to be alive at this point which is why, in fact, we have everything in here so that we can have an authorization bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Question of the Chair. How many votes will this require since it isn't authorization?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

I believe thirty-six.

SENATOR DeANGELIS:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...Senator Carroll, you wish to close?

SENATOR CARROLL:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. Were it to be the will of the other side of the aisle that there be no authorization, so be it; it would seem to me that the vast majority of the projects, not counting the McCormick Place refinancing, which is the request of that board and its trustee, former Governor Ogilvie, that the vast majority are projects suggested by the Governor, his administration, and both in terms of capital projects, downstate school constructions and the theory of Build Illinois are...are authorizations that are necessary. Now we recognize that this does, in fact, bring down Build Illinois to the level appropriated at this stage and they could probably do without that since they had authority. They could not, however, do capital at any point that they run out of the existing authority which will be very shortly; and should the Governor's Office therefore decide that capital in this State is not important or downstate schools are not important, that's fine, that's their decision. It is the only authorization bill left which is why we try to include all categories. It's the only one alive on the Calendar, and in normal operations, it would go through and end up in conference at the level of appropriations that were expected to be signed or moved in the fall as we have done in prior years. But if it is the will of the Governor that there be no capital, so be it, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall House Bill 3396 pass. Those in

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favor will vote Aye. Those opposed will vote Nay. The voting is open. Senator Savickas. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 20, none voting Present. House Bill 3396 is...by declared lost. House Bill...Senator Philip. All right. Senator Mahar. Senator Mahar's light is on. Is...(machine cutoff)...bills 3rd reading is House bill 3422, Senator Davidson. House Bill 3422, Mr. Secretary.

SECRETARY:

House Bill 3422.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, the bill does exactly what it says on the Calendar. It had been on the recall list for the opportunity of an amendment being offered. The sponsor of the amendment at the request of the House...the sponsor of this bill asked for that amendment to be withdrawn. This is the same shape it's been in for a number for days. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3422 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are none, none voting Present. House Bill 3422 having received the required constitutional majority is declared passed. Senator Poshard, for what purpose do you arise?

SENATOR POSHARD:

Yes, Mr. President, I voted Yes on this bill, my light is

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2nd reading*

on but it never did record it on the board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...it is...it is now...on that question, the Ayes are 49, the Nays are 8, none voting Present. House Bill 3422 having received the required constitutional majority is declared passed. 3548,...Senator Schaffer, are you ready? All right, House bills 3rd reading is House Bill 3548, Mr. Secretary. Whoop, Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

What about 3473?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we'll get there momentarily, it's not on the list yet. House bills 3rd reading is House Bill 3548, Mr. Secretary.

SECRETARY:

House Bill 3548.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, members of the Senate, this is the waste...Solid Waste Management Act that has been put together by the Governor's Office and a number of the interest groups involved in this, it has bipartisan support. It establishes some priorities in disposal of solid waste. First priority would be waste reduction and reuse and recycling, then incineration, then last, and...and, hopefully, not to...to any large degree landfilling. It would propose over a year and a half to generate some ten million dollars a year in a tipping fee that would be used to do a number of things to develop a comprehensive Statewide policy for the disposal of solid waste. I think many of us have seen the problems

created by existing landfills and the controversy in...in most parts of the State when one tries to establish a new...landfill. What we're hopefully going to be able to do is through this initiative come up with some alternatives to landfills and see that those landfills that are built in the future are constructed in the appropriate manner and the appropriate places. It does...it also allows local governments to impose some tipping fees for their expenses that relate directly to landfills. In the amendment we adopted a few minutes ago, we attempted to resolve as many of the controversies as we could, and I think we have kept our word with the...the promises we made in front of the Ag. Committee, and we've resolved those I think to the best of our ability. I think the chances of this bill not ending up in a Conference Committee are approximately equal to the chances of my waking up tomorrow morning with a full head of hair. So, I think you will see it again, although I think the bill is already in pretty good shape and I'm sure we will have another opportunity...as we work on some of the unresolved problems. I'd be happy to answer questions; if not, appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Discussion? If not, the question is, shall House Bill 3548 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 2 voting Present. House Bill 3548 having received the required constitutional majority is declared passed. Senator Poshard, for what purpose do you arise?

SENATOR POSHARD:

Yes, thank you, Mr. President. Mr. President, on House Bill 3396, I voted Yes, my light was on Yes here, the light on the board was Yes, the roll call was No. This is about

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the fifth time in the last three days this has happened to me on this light.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...I'll have the electrician take a look at it. All right. Senator...Senator Poshard, I am told that the printer skipped one and, therefore, when everything is moved up on the sheet, it is recorded correctly. So you will be recorded correctly according to the printer. Now, Senator Davidson, do you...are you ready...are you ready to go? All right, on the Order of House Bills 3rd Reading is House Bill 3473, Mr. Secretary. (Machine cutoff)...Bill 3473, Mr. Secretary.

SECRETARY:

House Bill 3473.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this is the bill you all been looking for, as I understand it. This is the last bill up for passage today. I would...this bill does exactly what it says in the Calendar. What we had to do was recall and Table an amendment that had been put on earlier last week which people thought was agreement which was an error and the bill does exactly it says. I'd appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Point out that this is the last bill on 3rd reading. We will go to the Order of Postponed Consideration momentarily for those of you who are ready to...to part. Discussion? If not, the question is, shall House Bill 3473 pass. Those in favor will vote Aye. Opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On

that question, the Ayes are 58, the Nays are none, none voting Present. House Bill...3473 having received the required constitutional majority is declared passed. All right, on the Order of Postponed Consideration, turn to page 21 in your Calendar. Senator Newhouse will be the first one up. With leave of the Body, consideration postponed, House Bill 2537, page 21, Mr. Secretary. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, this...House Bill 2537 is the provision that has been explained here before. It's a provision that would again would...would...would make it possible for the...for public aid recipients to receive a...their awards in those instances where the General Assembly has not acted in time for those dollars to be available on a continuing basis in ordinary circumstances. It's a...it's a...it's a bill to provide for the extraordinary circumstance and there is some opposition but I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Discussion? Senator...Senator...all right, discussion? Senator Rock. While we are waiting, let me give you the other order of...of business. We...House Bill 2714 is next, followed by House Bill 1477, 2564 and 3043. All right, further...all right, further...further discussion? If not, Senator Newhouse,...you may close.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, the...the opposition to this bill is that we don't want to get into a situation where we have continuing appropriations. My suggestion to this Body is that what we're talking about is the unusual case...the unusual case, not an unusual case, it's the unusual case where some people who badly need these funds will be permitted to...to have those funds available for that short period of time, and it isn't very long normally,

between the appropriations that should have been passed in the regular course of this General Assembly's action but have not. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 2537 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 25, 1 voting Present. House Bill 2537 having failed to receive the required constitutional majority is declared lost. House Bill 2714. Senator Smith, are you ready? The Order of House Bills Consideration Postponed is House Bill 2714. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. House Bill 2714 creates the Probation Challenge Act Program. This is when young men are...are called into court for the amount of crime that they have committed, nothing like murder or anything very badly, but it...are given an opportunity to...to make up for the wrongs that they have been done...that has been done. The judge will take them and put them on probation, and while on probation, they are schooled by the judge, they are taught how to live a better life and given opportunity to make recommends...retribution for things that they have been doing. It's a good program, the Olive-Harvey College is backing it, Judge...Eugene Pincham is one of the judges that are counseling to these young boys, and they have had some very good experiences and results out of this project. And, so, I'm asking you that if you find favorable to please give these boys an opportunity to become better citizens in our society.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

2714 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish?...have all voted who wish? All right, have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 25, none voting Present. House Bill 2714 having received the required constitutional majority is declared passed. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President. A verification of the affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip has requested a verification of the affirmative roll call. Will all members be in their seats. The Secretary will read those who voted in the affirmative.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip, do you question the presence of any member...voted in the affirmative?

SENATOR PHILIP:

...Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Lechowicz on the Floor? Senator Lechowicz on the Floor? Strike his name. Senator Philip.

SENATOR PHILIP:

Senator Topinka.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka on the Floor? Senator Topinka on the

Floor? Strike her name. Senator Philip, do you question the presence of any other member? All right, on a verified roll call, the...the Ayes are 29, the Nays are 25, none voting Present. House Bill 2714 is declared lost. House Bill 1477, Senator Marovitz. On the Order of Postponed Consideration is House Bill 1477. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 1477 authorizes shelter increase to made under the Aid to the Aged, the Blind and the Disabled Program. It requires the Department of Public Aid to increase the maximum allowance from ninety-seven to a hundred and twenty-five dollars a month for an individual living alone and allows a homeless person to receive a shelter payment. As I mentioned before, about eighty-three percent of the dollars expended for this program come back from the Federal Government, and this really is only for destitute individuals and disabled individuals. It is not a GA program but a program for...for the blind and disabled and I think where the priority should be. I don't want to take up too much time of this Body, but I think voting Aye on this bill puts...puts the Legislature exactly where it should be and shows the people of the State of Illinois where our priorities are. For those people who have no funds and are waiting for social security benefits, this is an interim program that is refinanced by the Federal Government to the State of Illinois and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator...Senator Topinka, welcome back, you were sorely missed a few minutes ago. Senator Watson,...I think...anticipating your first question and that is that 1477 is not on your printed Calendar on the Order of Postponed, but it was...it was taken up earlier today and that is the reason we gave you the advance list of those bills that

would be called. There is no supplemental on postponed consideration. Senator...Senator Watson on 1477.

SENATOR WATSON:

Well, I was just simply going to ask that it is not on the Calendar and...

PRESIDING OFFICER: (SENATOR DEMUZIO)

It is...well...Senator, it is on page...it's on page 4 of your Calendar. It was...it was postponed consideration today, it automatically goes to the postponed consideration order of business and it joins those other bills on postponed consideration that had been previously...had action taken prior to today. Senator Watson. All right...further discussion? The question is, shall House Bill 1477 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 26, none voting Present. House Bill 1477 having received the required constitutional majority is declared passed. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President. Verification of the affirmative votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Philip has requested a verification of those members who voted in the affirmative. If all members will be in their seats, the Secretary will read those who...members who voted in the affirmative. Mr. Secretary. (Machine cutoff)...Philip, for what purpose do you arise?

SENATOR PHILIP:

I just...simply suggest take Senator Lechowicz off and we'll forget it. I mean, he's not here, he hasn't been here all afternoon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, procedurally, we are...we are in the posture of...being on the affirmative roll call and the...and the Secretary will read those who voted in the affirmative. He may pop up...after all, Senator Topinka, just popped up. I don't know where these people go all the time. Mr. Secretary.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Philip, do you question the presence of any member who voted in the affirmative?

SENATOR PHILIP:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Lechowicz on the Floor? Senator Lechowicz on the Floor? Strike his name. On that verified roll call, there are 29 Ayes, 26 voting Nay, none voting Present. House Bill 1477 is declared lost having failed to receive the required constitutional majority. All right, House Bill 2564, Senator Jones. House bills postponed consideration is House Bill 2564. Senator Jones. Senator Jones, what's your pleasure? All right, next case. House Bill 3043, Senator Lemke. Senator Lemke on the Floor? All right, House Bill 3-0-4-3, Senator Lemke.

SENATOR LEMKE:

This bill we explained before except that we deleted in Amendment No. 3 the original provisions of the bill that

talks about due process mandates concerning administration of justice subject to State hundred percent reimbursement. The bill now is only the reimbursement to counties...to the State's Attorney Appellate Service Commission and the Civic Center Authority for West Frankfort and Herrin and those other towns. I ask for its favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Joyce...Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. Well, I...just to emphasize that it...it also exempts from the Illinois Grants Recovery Act certain appropriations of the Department of Commerce and Community Affairs, that was Galesburg Hospital in Manteno last year also as well as the...the civic centers in...in Aurora, Bureau County, Collinsville, Herrin, Knox County, LaSalle, Ogle County,...Orland Park, Pekin, Rockford and Rosemont. I, too, would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3043 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record.

On that question, the Ayes are 31, the Nays are 20, 3 voting Present. House Bill 3043 having received the required constitutional majority is declared passed. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

A verification of the affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Philip has requested a verification of the affirmative roll call. The Secretary will read the members who voted in the affirmative. Mr. Secretary.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip, do you question the presence of any member? Senator Philip.

SENATOR PHILIP:

...I don't have any questions at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On that...on a verified roll call, the Ayes are 31, the Nays are 20, 3 voting Present. House Bill 3043 having received the required constitutional majority is declared passed. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. I think we've done a good day's work in accordance with our Rules. Ten o'clock tomorrow morning we will...begin on the appropriation's bills on 2nd reading. I move we stand adjourned till ten o'clock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock moves that the Senate stand adjourned till Tuesday, June the 24th, at the hour of ten o'clock. The Senate stands adjourned.

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