

84TH GENERAL ASSEMBLY

REGULAR SESSION

DECEMBER 2, 1986

PRESIDENT:

The Senate will come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this afternoon by Father Victor Kaltenbach, St. Patrick's Catholic Church, Springfield, Illinois. Father.

REVEREND VICTOR KALTENBACH:

(Prayer given by Reverend Kaltenbach)

PRESIDENT:

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

SECRETARY:

Thursday, November the 6th and Tuesday, November the 18th, in the year 1986.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

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

PRESIDENT:

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

SENATOR NEDZA:

Mr. President, I move that reading and approval of the Journals of Wednesday, November the 19th and Thursday, November the 20th, in the year 1986, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

SECRETARY:

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

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

House Joint Resolution 244.

PRESIDENT:

All right. House Joint Resolution 244, Executive Committee, Mr. Secretary. House Joint Resolution 245, Consent Calendar. Resolutions, Mr. Secretary.

SECRETARY:

The following resolutions are all congratulatory.

Senate Resolution 1270, by Senator Carroll.

1271, by Senator Holmberg.

1272, by Senators...Demuzio, Rock and all Senators.

1273, by Senators Demuzio, Rock and all Senators.

1274, by Senator...Demuzio, Rock and all Senators and it's a death resolution.

Senate Resolution 1275 and Senate Resolution 1276, by Senator Zito and they are congratulatory.

Senate Joint Resolution 187, by Senators Geo-Karis and Davidson and it is congratulatory.

PRESIDENT:

Consent Calendar. If I can have your attention, there has been a supplemental Calendar distributed to reflect six additional motions in writing that have been filed. There are five motions in writing that were filed earlier and that appear on the Calendar. So, if you'll turn to page 12 on the Calendar. The motions will be called in the order in which they appear, so I'd ask the members...Senator Hall has a motion. Senator Poshard has a motion. Senator Barkhausen has a motion. Senator Poshard has another as does Senator Berman. And then on the supplemental Calendar it's Senators

Lechowicz, Senator Lemke, Senator Newhouse and Senator Luft.
Senator Nedza, for what purpose do you arise, sir?

SENATOR NEDZA:

Point of personal privilege, Mr. President.

PRESIDENT:

State...state your point.

SENATOR NEDZA:

Mr. President, Ladies and Gentlemen of the Senate, I would like to present to this august Body a new member of our...of our Senate, the...the new seatmate...my new seatmate, Senator Dennis Jacobs, who also is the Mayor of East Moline, Illinois. And I would like this Body to welcome our new Senator.

PRESIDENT:

Senator Jacobs, welcome. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 1277 offered by Senators Rock, Phillip and all Senators and it's a death resolution.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 1278 offered by Senator Sangmeister.

PRESIDENT:

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

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, would the record show that Senator Macdonald is recuperating from surgery and...will be gone because of illness.

PRESIDENT:

The record will so reflect. Senator Nedza, for what purpose do you arise?

SENATOR NEDZA:

Thank you, Mr. President. An announcement that the

HB 3207
Spec. Recommendations
of the Hour

record should reflect that Senator Savickas is absent today because of an illness in his family.

PRESIDENT:

The record will so reflect. Thank you. All right. If I can have the attention of the membership, if you'll turn to page 12 and 13 on the Calendar, we will begin on the Order of Motions in Writing as filed and then we will move from the Calendar to the supplemental Calendar. Secretary advises me there will be a second supplemental. So those of you who have motions to be filed, we would appreciate if you would get them in so that they can appear on the second supplemental. Senator Hall on House Bill 3431. Senator Poshard on 3191. Senator Barkhausen on 3191. Senator Poshard on 3090. Top of page 13, on the Order of Motions in Writing, there's a motion in writing been filed with respect to House Bill 3207, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3207 in the manner and form as follows. Signed, Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. If you recall, this was the bill that addressed the problem that the State had in regarding response action contractors. These are people that are called in to clean up emergency situations with hazardous waste spills and other types of emergency situations. As the bill was passed out of the General Assembly in the spring there was no limitation on the indemnification of these contractors. Conference between the sponsors and the Governor's Office, what has been done with this amendatory veto is to put in the same dollar limit that we now have for the State regarding the operation of our...State owned and

operated trucks and that's a two million dollar limit both as to indemnification and that there cannot be any excess seeking of recovery against the response action contractors. I move the...that we accept the Governor's amendatory veto.

PRESIDENT:

All right. Senator Berman has moved that the Senate accept the specific recommendations of the Governor. Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Senator Berman, just a point of clarification because I'm not sure that I entirely followed you, although I'm sure your explanation was, as always, lucid. You're saying this two million dollar amount, is it...is it a deductible amount or is the...is the State only indemnifying up to the two million dollars and then the contractor would be liable for any judgment or exposure over two million dollars?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Let...let me state it so...rather than in a response. There is...under this bill the limitation of the State's liability for any single occurrence is two million dollars. It is not a deductible, that's the State's cap of its liability and there cannot...if there's a judgment hype, for example, of three million, the extra million is not collectible against the contractor. So there's a two million dollar cap both exposurewise and indemnificationwise.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

So, one way or another, this legislation has the effect of totally indemnifying the contractor or, in...in any case, immunizing him? Thank you.

HB 3044
Specific Recommendations
of the Governor

PRESIDENT:

Senator Berman. Senator Berman.

SENATOR BERMAN:

That's correct.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill, if the members will recall, is intended to solve a problem, and the problem is that...that the contractors who we want to clean up some of these problems in the State are unable in most instances or many instances to secure private insurance to cover that. Senator Berman is trying to solve that problem and I...I applaud that effort, but during the Spring Session one of the things I wanted him to do was put a limit on the amount that the State would have to pay. The Governor has now done that and I think the bill is in a posture that we should support.

PRESIDENT:

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

SENATOR BERMAN:

Roll...(Machine cutoff).

PRESIDENT:

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3207 in the manner and form just stated by Senator Berman. 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 54 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 3207 having received the required constitutional majority vote of Senators elected are declared accepted. All right. If you'll turn to Supplemental Calendar No. 1. Supplemental Calendar

No. 1, motions in writing to accept the specific recommendations for change, there's a motion in writing with respect to House Bill 3044. 3-0-4-4, Mr. Secretary, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3044 in the manner and form as follows. Signed, Senator Lechowicz.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3044 that the Governor recommended...his amendatory veto requests a January 1, 1987 effective date. As you recall, the bill would require the State or Local Labor Relations Board to order an election within a hundred and twenty days of a petition being filed if after hearing upon petition of a public employer the board determines there is a need to resolve a question of which organization represents a bargaining unit. However, the board or the 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 the hundred and twenty day period without seeking a court order. The only thing that the Governor amendatory veto requested that the effective date be moved to January 1, 1987. I move that the Senate do concur in the amendatory veto.

PRESIDENT:

All right. All right. Senator Lechowicz has moved the Senate accept the specific recommendations of the Governor as to House Bill 3044. Is there any discussion? Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3044 in the manner and form just stated by Senator Lechowicz. 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 53 Ayes, no Nays, 1 voting Present. The specific recommendations of the Governor as to House Bill 3044 having received the required constitutional majority vote of Senators elected are declared accepted. Supplemental Calendar No. 1, there's a motion in writing filed with respect to House Bill 3157, Mr. Secretary, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3157 in the manner and form as follows. Signed, Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

House Bill 3157, the Governor recommendation was to use the words, "rebuttable presumption" instead of "prima facie evidence." There's no substantial difference in standards, it's just a play of words between lawyers. The Governor felt that the prima facie evidence standard was unconstitutional and other lawyers feel that it isn't, but it makes no substantial change. I ask for its...adoption.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Discussion? All right. Discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to...Senate Bill...House Bill 3157 in the manner and form just stated by Senator Lemke. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3157 having received the required constitutional majority vote of Senators elected are declared accepted.

*HB 3340
Spec. Recomm.
of the Gov.*

3340, Senator Lemke. House Bill 3-3-4-0, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3340 in the manner and form as follows. Signed, Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

I recommend that we go along with the Governor's action which deleted the Illinois Homeowners Emergency Assistance Law and the Illinois Homeowners Mortgage Counseling Law. I disagree with his reasoning but...we worked hard and long on the mortgage foreclosure bill and I don't want to see it defeated just because of a disagreement over some finances, and I think that this proposal can be put back in next year. So I ask for favorable consideration of the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3340 in the manner and form as just stated by Senator Lemke. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3340 having received the required constitutional majority vote of Senators elected are declared accepted. 3346, Senator Newhouse. House Bill 3346, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3346 in the manner and form as follows. Signed, Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

HB 3573
Amended 2/1/86

SENATOR NEWHOUSE:

Thank you, Mr. President. House Bill 3346 creates the Rheumatic Disease Treatment Act. It is...it was initially under the Department of Public Aid and it should more properly belong in the Department of Public Health. This is the recommendation of the Governor, and I move to accept that recommendation.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3346 in the manner and form as just stated by Senator Newhouse. 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. The specific recommendations of the Governor as to House Bill 3346 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 3573, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3573 in the manner and form as follows. Signed, Senator Rock.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3573 when we first considered this legislation last year passed this Chamber by a vote of 54 to 2. You'll recall that what 3573 did was it required or mandated that each circuit in the circuit court system establish a Pretrial Services Agency. The purpose of that agency is to do background investigative work prior to the judge being required to set bail. I'm sure you're aware that we passed

in this State Senator Davidson's Constitutional Amendment to afford the judges the opportunity to deny bail in certain instances. And it was felt that this service is absolutely essential to the proper working of that judicial discretion. The Governor made only two changes in House Bill 3573. He restricted its application to felonies, serious crimes; and secondly, he delayed the effective date until July 1 of next year so that the bill will have no fiscal impact this fiscal year. I agree with both those changes and I would urge that we accept the Governor's specific recommendations with respect to House Bill 3573.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3573 in the manner and form just stated by Senator Rock. Those in favor will vote Aye. Those opposed will vote Nay...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 54, the Nays are none, 1 voting Present. The specific recommendations of the Governor as to House Bill 3573 having received the required constitutional majority vote of Senators elected are declared accepted. Resolutions.

SECRETARY:

Senate Resolution 1279 offered by Senator Berman. It's congratulatory.

1280, by Senator Keats. Congratulatory.

1281, by Senators Barkhausen, Geo-Karis, Schaffer and Keats. Congratulatory.

1282, by Senator Karpel and it's congratulatory.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Consent Calendar. (Machine cutoff)...get some Pages down in front. Get some Pages down in front to distribute...the

second supplemental Calendar. The Supplemental Calendar No. 2 is being distributed and as soon as it has been distributed to all members' desks we will begin on that order of business. All right. Supplemental Calendar No. 2 has been distributed. Motions in writing, override of item...item vetoes. Senator Sangmeister on House Bill 2939. House Bill 2989, Senator Mahar. All right. On the Order of...Override Item Vetoes is House Bill 2989, Mr. Secretary. Senator Mahar's motion.

SECRETARY:

I move that the item on page 45, line 3 through 8 of House Bill 2989 Do Pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senator Mahar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This...this total amount is for five thousand dollars. It is a partial appropriation to fund...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAHAR:

Thank you. The...some of this request is for five thousand dollars. It is to partially fund the Municipal Clerks' Training Institute held annually at the University of Illinois. This institute is mandated by the State and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the item on page 45, lines 3 through 8 of House Bill 2989 Do Pass, the item veto of the Governor to the contrary notwithstanding. Those in favor will vote...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 46, the Nays are 3, none voting Present. The item on page 45, lines 3 through 8 of House Bill 2989 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. 3090, Senator Maitland. On the Order of Override Item Vetoes is House Bill 3090, Mr. Secretary.

SECRETARY:

I move that the item on page 21, lines 28 through 29 of House Bill 3090 Do Pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The House did restore this item two weeks ago and the Governor has, as...as I understand it, agreed to putting the 1.5 million dollars back in. The program does this. This is the program that allows vocational educational instructors to go out into the work force and...and learn new job technology while they're out in the work force and in some...in some cases the entrepreneur, the...the owner of the business, may pay part of the grant but this would provide for up to two thousand dollars for this...for this training. And I would...would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Well, ladies and gentlemen...I think we...are all anxious to conclude our business and most of the members I can tell...can hardly hear. So until we have some order...Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the

Senate. Can you tell us what this...motion will cost?
What's the cost on this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland indicates he will yield. Senator Maitland.

SENATOR HAITLAND:

Senator...Marovitz, 1.5 million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

This was not in the budget, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR HAITLAND:

The...that is correct. It was...was vetoed by...by the Governor. It was in, of course,...this was one of the components of...of Senate Bill 730, you may recall, and...was...was in, of course, then the Board of Education's budget but was not in the Governor's budget. But he now has subsequently agreed to support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz.

SENATOR MAROVITZ:

Let...let me just clarify that. The Governor...reduced this appropriation or vetoed this, right? Okay. And now he's gone back on that and says he's supportive of it...and he...and he wants a...wants this money restored?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR HAITLAND:

It is my understanding, Senator Marovitz, that, yes, he has agreed to restore it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Just...just for the record, even though it wasn't in the original budget and the Governor did take it out, this is a good program and the money deserves to be there. Whether it's in the budget, whether the Governor wants it or not, it's a good program and it should be there and I hope we remember that in the future when good programs come through even though they're not in the budget, this one's a good one like many others.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

All right. Further discussion? Our...vocational educational advisor. Senator Netsch.

SENATOR NETSCH:

I have a question for the sponsor, and I'm not sure whether or not you can answer this, Senator Maitland, but it...it is a serious question. I have absolutely no objection to this program, I am very supportive of it and I agree that it should proceed, but why this one being restored and not some of the others that were also part of Senate Bill 730? I...there were...the early childhood, gifted, summer school, all kinds of things were cut out or cut down for...by the Governor and they all were commitments under 730. Why only this one is being restored? Can you answer that?

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Maitland.

SENATOR MAITLAND:

Well, you're right, it is a tough question. I'm concerned about the eighty million dollars in the reform package that we did not fund this year; clearly and...and truly, I am. I think this is one of those anchor programs that...that...that may put those vocational teachers back into the school system and help them address some of the needs that...that's affecting education. This is but a small portion of that total underfunding of...of Senate Bill 730's

reform and...that's the best answer I can give you, I'm sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

As...as you well understand, Senator Maitland, your answer is totally inadequate but it's not your fault.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator, is...is this not one of those items which is scheduled to be in a...in the supplemental appropriation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Etheredge, it is my understanding that that amount will go in the...the...the omnibus bill. My concern is, it's not in there yet.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, it is...it is my understanding that this is going to be part of the bill and I'm concerned that we're duplicating...you know, that...that we don't shoot ourselves in the foot here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge, is that a question? All right. Senator Etheredge.

SENATOR ETHEREDGE:

Yes, that...that was a question. That was a question.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, I am sorry I didn't hear. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I...I believe I'm getting a bit more vigor that...that this item will be in the omnibus bill, and with that assurance, I would be happy to withdraw the motion.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Maitland withdraws the motion. All right. All right. There were only...there was only one motion filed with respect to 3090 at this time on the Supplemental Calendar No. 2. Calendar indicates there are two numbers there but that's a typo. All right...all right. Motions in writing to accept the specific recommendations for change is House Bill 1130. Senator Netsch. 1130. The Chair would like to acknowledge the presence of a former member of the Senate, Vivian Hickey from Rockford is on...on the...welcome back. House Bill...1321, Senator Netsch. House Bill 2549, Senator Topinka. On the Order of...Accepting the Specific Recommendations for Change is House Bill 2549, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 2549 in the manner and form as follows. Signed, Senator Topinka.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, I move we accept the specific recommendations for this which is the East Asia Development Advisory Board. The language which created...had a manager of this development board was stricken. The Governor stated that...that the manager could be defined within the Department of Commerce and

Community Affairs. Basically makes no...programmatic or organizational changes on that front. The new language permits the Governor to designate one member of the board who shall serve as chairman at the pleasure of the Governor. I think it's a good bill and I would hope we would move on with it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? All right. The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2549 in the manner and form as just stated by Senator Topinka. 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? Senator Sangmeister. Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 2549 having received the required constitutional majority vote of Senators elected are declared accepted. 2621, Senator Rupp. House Bill 2-6-2-1, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 2621 in the manner and form as follows. Signed, Senator Rupp.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I move to accept the specific recommendations of the Governor as to House Bill 2621. What this does is...it's a technical change, all it does is eliminate the words, "by quitclaim deed."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2621 in the manner and form just stated by Senator

Rupp. 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? George. Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 2621 having received the required constitutional majority vote of Senators elected are declared accepted. 2785, Senator Marovitz. House Bill...I'm sorry, House Bill 2-7-8-5, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 2785 in the manner and form as follows. Signed, Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the...Senate. I do move that we accept the Governor's specific...recommendations for change. This is the amendment to the Juvenile Court Act. The Governor made two changes. One is changes in nomenclature where he changed from competency and incompetency to fitness and unfitness. And the second change is one that would provide additional law enforcement officers to records of...juvenile court, and I would move that we accept the Governor's specific...recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2785 in the manner and form just stated by Senator Marovitz. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted...have all voted who wish? Have all voted who wish? Have all...have all voted who wish? Take the record. On that question, the Ayes are

53, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 2785 having received the required constitutional majority vote of Senators elected are...declared accepted. 2917, Senator Netsch. House Bill 3207, Senator Berman. Toward the bottom of the page on the second supplemental Calendar is House Bill 3207. We did that? All right. That was on the regular Calendar, we've already done that. House Bill 3394, Senator Fawell. The bottom of the Supplemental Calendar No. 2 in motions to accept the specific recommendations for change is House Bill 3394, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3394 in the manner and form as follows. Signed, Senator Fawell.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This is really basically a technical change and is more in line with what the sponsor of the...in the House wanted. And it clarifies the language, it just does not allow the municipalities to have a super lien but rather a recorded lien. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3394 in the manner and form as just stated by Senator Fawell. 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 50, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3394 having received the required constitutional majority vote of Senators elected are declared

accepted. 3479. All right. The bottom of the supplemental Calendar is House Bill 3479, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3479 in the manner and form as follows. Signed, Senator Woodyard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, members of the Senate. I would move to accept the recommended changes on House Bill 3479. This is the annual highway easement transfer bill and there were two technical errors that were corrected with the...with the change. And I would move to accept the change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question...is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3479 in the manner and form as just stated by Senator Woodyard. 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 51, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3479 having received the required constitutional majority vote of Senators elected are declared accepted. All right. Momentarily we will have Supplemental Calendar No. 3 when it arrives. On the Order of Resolutions, Mr. Secretary, resolutions.

SECRETARY:

Senate Resolution 1283 offered by Senator Jones. It's congratulatory.

Senate Resolution 1284, by Senators Lechowicz, Rock, Nedza and all members and it's a death resolution.

Senate Resolution 1285, Senator Barkhausen, Schaffer,

Geo-Karis and Keats and it's a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Consent Calendar. All right. We are...we are in the process now of passing out Supplemental Calendar No. 3. Supplemental Calendar No. 3 is being passed out. Senator Luft on the Floor? Supplemental Calendar No. 3 has now been distributed. Is Senator Luft on the Floor? All right. Well, we'll drop the motions in writing override item vetoes. 2995, Senator Leitch. All right. On the Order of Override Item Vetoes is House Bill 2995, Mr. Secretary.

SECRETARY:

I move that the item on page 9, lines 1 through 5 of House Bill 2995 Do Pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senators Leitch and Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leitch. Senator Leitch.

SENATOR LEITCH:

Sorry, Mr. President, I prefer to hold this. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. Accept the...all right, we're on the bottom of Supplemental Calendar No. 3 to accept the specific recommendations for change is House Bill 913. Senator Barkhausen. Senator Barkhausen. House Bill 2648, Senator Barkhausen. House Bill 2757, Senator Luft. Message from the House.

SECRETARY:

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

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

House Joint Resolution 246. It's a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. All right. We've been through Supplemental Calendar No. 3. Now, with leave of the Body, we'll return to the regular Calendar. Turn to the regular Calendar on page 4, top of...all right, Senator Marovitz on the Floor? All right. On top of page 4, with leave of the Body, we'll...we will move to that order of business. Leave is granted. Is House Bill 2518...House Bill 2815. House Bill 2-8-1-5. Senator Marovitz seeks leave of the Body to return House Bill 2815 to the Order of 2nd Reading for the purpose of an...of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2518, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is the health club bill, the physical fitness bill and it was incorrectly drafted when it moved to 3rd reading. It allowed for a possible five thousand dollar contract spread over two years, but the way it was drafted it could have been five thousand dollars in one year and zero in the second year or three thousand one year and two thousand the next year. It was not intended to be that way, it was called to the...to the sponsor's attention by the Attorney General's Office as well as others. We are moving it back to prevent that situation and clarify that it is twenty-five hundred dollars a year for a maximum of two years. The two-year period is already in the law but to clarify that it can't be more than twenty-five hundred dollars in any year. And I would ask for adoption of this amendment which I think has been agreed to by everybody.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz has moved the adoption of Amendment No. 2 to House Bill 2815. Is there any discussion? Discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

3rd reading. All right. We'll move to the Order of Motions in...in Writing. Mr. Secretary.

SECRETARY:

I move that Senate Rule 5C be waived with respect to House Bill 2760, that the Senate Rules Committee be discharged from further consideration of House Bill 2760 and that the bill be placed on the Calendar on the Order of 2nd Reading. Signed, Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator...Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. We are asking that the Rules Committee be discharged on this bill. This is the Domestic Violence Shelter and Service Fund and upon a ruling of the Illinois Supreme Court realize that we had to refund this...these programs, and I will be offering an amendment once we discharge Rules.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Discussion? Senator Zito has moved to suspend Rule 5C and that House Bill 2760 be discharged from Rules and placed on the Order of 2nd Reading. Those in...favor indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator...all right. The bill is now on 2nd reading. With leave of the Body, we'll go to the Order of House Bills 2nd Reading. Is leave granted? Leave is granted. House bills 2nd reading, Mr. Secretary.

SECRETARY:

House Bill 2760.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senators Zito and Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President. This corrects the inadequate funding mechanism that was originally introduced in the bill. It adds increases to several fees including a commemorative birth certificate. With the holiday season quickly approaching, I think that's a truly wonderful way to tell a loved one we were happy you were born. So, I would move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Zito has moved the adoption of Amendment No. 1 to House Bill 2760. Is there discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

What is the fiscal impact of Amendment No. 2? How much money are you trying to generate?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Yes, Senator, I don't have that...I...I've been informed

that it's a hundred million. I'm sorry, one million dollars, I apologize. The birth certificates are going to go better than anticipated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, could you then tell me as far as on...page 2 of the amendment under line 6, section 18, "The fees of the county clerk in counties of the first and second class," the first is Cook County, I believe, "for each official copy of any process, file, record or other instrument of and pertaining to his office fifty cents for each hundred words and one dollar additional for certifying and sealing the same." Now who is going to compute that? And are we going to be counting the number of words that they're filing? And it's going to be fifty cents for a hundred words, a dollar for two hundred words and then a dollar additional for certifying and sealing the same? Is this a workable amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Senator, I think the section you're reading is already in effect, that's not been changed. I don't know who computes that, but that...we're not addressing that or changing that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

One million, right? Okay. Thanks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats. Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, is this the...current version of funding for the domestic violence programs? Is that what we're doing here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Yes, Senator, it is. We originally anticipated adding a twenty-five dollar surcharge to marriage licenses and that was found unconstitutional by the Illinois Supreme Court and so we're increasing some fees, but it's...it's the present system.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, is...is there any connection? You know, I've made the argument before on this issue that...that we shouldn't have taxed marriages and the courts agreed with that. I made the suggestion that...that probably there was a greater relationship between the use of alcohol and domestic abuse than there was between marriage and domestic violence. Now we're taxing births. Can...can you make the case as to why we should tax births and birth certificates and point out whatever relationship there may be between that and domestic violence?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator...Senator Zito.

END OF REEL

REEL #2

SENATOR ZITO:

Well, your point is well taken. This was the...the department was going to increase these fees anyway and I rarely carry water for the Governor, but this is the Governor's suggestions and so we're following pat in suit with that because of the ruling of the Supreme Court. I agree, there may be no correlation, but at the same time, the...the fees were going to be increased anyway.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, could...do you know why it is felt that this tax increase for the purpose of funding domestic violence would be anymore constitutional than the other one?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I...Senator Zito.

SENATOR ZITO:

...first of all, let me...let me clarify, it's...it's a fee increase, it's not a tax increase and I think that's where you're being confused...and it goes in the GRF.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, regardless of whether it's a tax or a fee, and I tend to have difficulty seeing the...the distinction, the question still remains why do you think this is constitutional if the marriage tax or fee was not constitutional? I...Senator Netsch may have the answer or some other problem...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, before we go further, A. J. Boggio requests permission to videotape today, he's with Midwest Television Incorporated, WICA-Champaign. Is leave granted? Leave is granted. Senator Zito.

SENATOR ZITO:

Simply because the money goes to the General Revenue Fund and it...that seemed to appease the...the ruling of the Supreme Court...if Senator Netsch would like to add to that, but that is as simplistic as I can make it. The money goes to GRF.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? All right. Let's get to Senator Netsch before she waves her hand off. Senator Netsch.

SENATOR NETSCH:

Well, I think Senator Zito has made the point, but, Senator Schuneman, to confirm; the problem with the two prior fees was that they were directly tied to funding of domestic violence, that is the money went straight from the surcharge on the marriage license into the Domestic Violence Fund and it was that tie-in which the court found to be invalid. Here, as Senator Zito has now explained, the money goes into the General Revenue Fund. It will then later come out of the General Revenue Fund and be transferred into domestic violence to help support that program. That is a very different state of affairs and, as a matter of fact, it is exactly the same form as the tobacco tax which I had during the regular Session, I made no pretense at all that there was any connection. The problem is that your Governor has told people that they cannot have any more money for domestic violence shelters unless they come up with an additional source of funding and nothing else has worked. Here is an additional source of funding into general revenue and, hopefully, it will support...additional funding for the domestic violence shelters. But this satisfies the...the...the Supreme Court decision

because there is no direct tie between this and the Domestic Violence Fund. It is simply, if you will, replacement revenues just like the used car tax goes into the General Revenue Fund to try to make up for the money that we are siphoning off for Build Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. Senator Zito, just...we may be dealing in semantics and it's just I have a little problem with this, perhaps you can clarify it. From line 11 to line 14, "The Department of Public Aid shall provide for the funding of domestic violence shelters and service programs in part from the Domestic...Violence Shelter and Service Fund and in part from the General Revenue Fund." Should not that in part from the Domestic Violence and Shelter Service Fund, that portion be eliminated and in...inserted in proportionately from the General Revenue Fund, because it's...the way I'm interpreting it, it's...it's as if you're taking part of that fund for this and part of it from General Revenue Fund. It's...line...line 11 to 14.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Senator, I don't understand your question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza.

SENATOR NEDZA:

...just read from line 11 to 14, where it says, where you're...you're placing in part from the Domestic Violence Shelter and Service Fund and in part from the General Revenue Fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

...the only...the only answer I can give you is...is somewhat vague, but...my understanding is that appeases the constitutional requirement to put the money in the General Revenue Fund and that's the language that they came up with, I...I don't specifically know why.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza.

SENATOR NEDZA:

But you're still saying that, based on what Senator Netsch said, is that from the Domestic Violence Shelter and Service Fund so that fund is still established according to this. Well, there was the constitutional problem, that you're taking part of that for this and then you're taking part of it from General Revenue Fund. So there's proportions that you're taking out of two funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Senator, the...the constitutional problem was we couldn't specifically earmark money from a fee or increase...be specifically for that. Now, there was money in part to the Domestic Violence Shelter and Service Fund but we couldn't increase or earmark additional funding dollars or...or licensing dollars toward that program, so the rest of it had to come out of the General Revenue Fund. That...this language I think appeases that decision, at least that's what I've been told.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, I was never so happy as to see that the Supreme Court kicked out this tax or whatever you call it. I

don't know what we're going to do around here, every time you look we raising fees here and we raising fees on all this stuff. It's time to stop raising some of these fees, we've got a budget of...over twenty billion dollars and here you come along wanting to increase fees from domestic violence and all this. Let's start taking care of some of these people who have less than fifty-two percent of need. It's a dirty shame, every time I look around here something has been increased. How are these people going to continue to do something? The economy is falling and everything...and my question to you, Senator Zito, suppose we do nothing? Why should we be doing this?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

That's a question. Senator Zito.

SENATOR ZITO:

Well, Senator, if you read the...fine print, I think we've included that twenty-five cents on every dollar goes to your campaign fund. But to answer your question seriously, Kenny, if...if we don't fund these programs, if domestic violence and some of the other programs that are needed to your constituents and mine and the rest of constituents of the State of Illinois, if they're not funded, then those programs are simply going to fall flat on their faces. To increase the fees and to continue these programs so that we can provide these services I think is very important and not only to the people of East St. Louis area but to the people of Chicago and the rest of the State of Illinois and to simply not fund them is saying that we're not going to offer any help at all, and I think that's...that's a...would...would have a tremendous devastating impact on the people of the State of Illinois that need these programs.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hall.

SENATOR HALL:

Well, it just doesn't make sense. We've got people all over this Capitol today down here begging and pleading for some help, folks who are hungry, folks who have no shelter, folks...and that's all comes out of public aid and all this other stuff. We can't find monies to do these things. All of a sudden, all you got to do is give some high-class name to something and here they come along and want to put on additional fees. We better start trying to take care of some of the things that are needed...all these programs going to fall on their face. What happens to the 6.4 million that we put on for fifty-two percent of need. It's a disgrace. We...we ought to be talking about a hundred percent of need, and I'll tell you this that if you're going to continually...every time you look around here you can't give something to people who don't have work, people who are out of jobs and all that, but we can still come along and increase fees here and fees there. It's wrong. We better start setting some priority around here and I just don't understand how anybody in good conscience can sit up here and continually want to increase fees all over the board, and we look out there and there's people that don't have a place to stay, people who don't have food and, yet, we talk about...and...and...it's just outrageous, it should not be done.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke. Can we have some order, please.

SENATOR LEMKE:

Senator Zito, I have a few questions. Is it true that you're...you're raising the fee for a...a delayed record of birth five dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

But isn't it true that the majority of people that get delayed birth certificates usually are people ready to retire and can...you know, want to retire and we're putting...this tax of five dollars on senior citizens and I thought you were for senior citizens. This raises senior citizens five dollars and they don't have domestic violence, they usually survive, you know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Zito.

SENATOR ZITO:

Wait a minute. First of all, this isn't my first bill, I'm not a freshman, don't put me through this drill. But...let...you know, we...we've raised...Senator, we've raised the fees on vital records, adoption records, birth records, correction records, death records, delayed registration of birth and death, name changes, paternity records, we've even established this wonderful program of commemorative birth certificates. I...you know, Oregon does it, for goodness sakes, why don't we do it in Illinois? I...we...we have...across the board raised fees and...and to be serious about your question, yes, we are but we've raised them for everything. We need some dollars for these programs. If we're going to commit to domestic violence shelters and funds and programs, we're going to have to pay for it, and one of the fairest and equitable ways to pay for these is to across the board raise fees. I don't know how else to do it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

...I think that the Governor is going about it the wrong way if he raises the law on fees and he looks at the case law. Fees are supposed to be compensable with the cost of getting the records not for the...purpose of raising money. So, therefore, if the fee is excessive it will be thrown out the window and we'll be back...you'll be back here again with this thing. The better thing for domestic violence, if the Governor wants to do something, then is to take his new increase racing track tax and use that for domestic violence, 'cause that is more correlated to that because...it's...it's a known fact that when a person goes to a bookie or an off-track...and loses his pay check, a fight ensues at home and there's domestic violence. I mean, that's more in agreeance, but apparently the Governor doesn't want to say...touch his sacred cow for the money. If we're going to help domestic violence then we should go after the race track money and earmark it for this, but we shouldn't take it off of birth certificates of children that want to go...you have to go to school and parents sometimes can't afford even the five dollars for the medical exam to get this, but we're going to raise...raise and raise and raise fees that are not going to pay for the work that the State is doing. And I think that is wrong and we should not charge people for vital things and one of the vital things is for a retired person is to get his birth certificate so he can...delayed birth certificate so he can collect his social security, and the other vital thing is...is putting an increased fee on a student that's trying to go to kindergarten and get into school and the parent can't even pay for the medical examination. I think this is the wrong way about it. I think the Governor should go back to the drawing table and look for another source of revenue but this isn't the way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I would suggest that we include in this bill a provision for Zito abuse too...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ZITO:

I...just ask to adopt the amendment, we can discuss this on 3rd reading. It is the only way we can raise money, we're caught in a Catch-22 situation, Senator Lemke. We're either going to make a commitment to domestic violence and...and fund those programs and bite the bullet and raise some of these fees or we're not going to have the programs. I urge the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Zito has moved the adoption of Amendment No. 1 to House Bill 2760. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. On the Order of Motions in Writing, Mr. Secretary, I think Senator Vadalabene had filed a motion. Motions in writing, Mr. Secretary.

SECRETARY:

I move that Senate Rule 5 be waived with respect to House Bill 401 that the Committee on Local Government be discharged from further consideration of House Bill 401 and that the bill be placed on the Calendar on the Order of 2nd Reading. Signed, Senator Vadalabene.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. This will permit the county recorders to receive a stipend of thirty-five hundred dollars per year from the State for additional duties. I think we've passed the...the stipend for the treasurers and this will bring the recorders up on 2nd reading, and then we'll discuss it with the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Vadalabene. All right. Discussion? If not, the...Senator Vadalabene moves that Senate Rule 5 be waived with respect to House Bill 401 and that the Committee on Local Government be discharged from further consideration and that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor indicate by saying...saying Aye. Opposed Nay. The Ayes have it. The...House Bill 401 is...is...currently reposes on the Order of 2nd Reading. Senator Vadalabene.

SENATOR VADALABENE:

Yes, would it be practical now to consider House Bill 401...which is now on 2nd reading and have the amendment considered?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With...with leave of the Body,...all right, Senator Vadalabene, the...the Secretary of the Senate advises me that the motion would have been to discharge the Committee on Local Government and ask that the bill be returned to the posture that it was when it left here and that was the Order of 3rd Reading. So, currently, the bill now reposes on the Order of 3rd Reading and your request, I...I...is there leave...with leave of the Body, is there leave to go to House bills 3rd reading for the purpose of amending House Bill 401? All right. Leave is granted. On the Order of 3rd Reading is House Bill 401, Mr. Secretary. All right. Senator Vadalabene moves to...Senator Vadalabene has sought leave of the Body to return House Bill 401 to the Order of 2nd Reading

for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 401, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Vadalabene.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. This is Senate Bill 1948 that remained in the Senate Rules and Senate Bill...I'm having a difficult time reading, it's also Senate Bill...what...No. 4, House Bill 3058. The county clerks and the circuit clerks currently receive the same amount in...in House Bill 3431. The House...overrode the Governor's veto and it provides that the same amount for treasurers. This amendment will include the...the twenty-one downstate recorders whose office are separate from the county clerks.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Vadalabene has moved the adoption of House Amendment...I'm sorry...of Amendment No. 1 to House Bill 401. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Just a point of inquiry, Mr. President. I thought that that's what we just did that...that Senator Vadalabene took the bill back and amended it. Now we're doing it again...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Vadalabene's original motion was to...he moved to suspend Rule 5C to discharge the Committee on Local Government from further consideration and asked that the bill be brought to the Order of 2nd Reading. That was granted...we pointed out correctly that the Secretary of the Senate indicated that the bill would have to go back to the order of business from which it...it left, and that order of business

was 3rd reading. So House Bill 401 was returned to the Order of 3rd Reading. Senator Vadalabene then sought leave to return the bill to the Order of 2nd Reading for the purpose of an amendment and has now offered Amendment No. 1. Senator Schuneman.

SENATOR SCHUNEMAN:

That's a great explanation, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Vadalabene has moved the adoption of Amendment No. 1 to House Bill 401. Further discussion? If not, those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

3rd reading. All right, with leave of the Body, we will go to the Order of Resolutions. Is leave granted? Leave is granted. On the Order of Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 1286 offered by Senators Geo-Karis and Rock, it's congratulatory.

Senate Resolution 1287, by Senator Geo-Karis and it's a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Consent Calendar. All right, with leave of the Body, we will go to page 3 on your regular Calendar...page 3 on your regular Calendar. There are two House bills that repose on 3rd reading that amendments have been filed. On the Order of...of House Bills 3rd Reading on page 3, with leave of the Body, we'll go to that order of business. Leave is granted. On the Order of House Bill 3rd Reading is House Bill 132, Senator Lemke. Senator Lemke.

SENATOR LEMKE:

The Department of...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute...wait a minute...

SENATOR LEMKE:

...Commerce and Community Affairs are working on the amendment, so we'd like to have leave to call this tomorrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh.

SENATOR LEMKE:

...oh, you got the amendment, oh, good. But there's another amendment for...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, let's take it out of...

SENATOR LEMKE:

Senator Vadalabene.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

The amendment is being drafted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Let's...with leave of the Body, we'll...we'll take it out of the record and come back to it tomorrow. All right. House bills...the Order of...on page 3 is House bills 3rd reading. Senator Demuzio seeks leave of the Body to return House Bill 313 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 313, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senators Watson and Demuzio.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like for the Secretary to

read the LRB number on this just to make sure we got the right amendment.

SECRETARY:

SDS84H313PAM2-TS.

SENATOR WATSON:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

...that is correct. This particular amendment deletes everything after the enacting clause and adds hold harmless provisions to the new farmland assessment law. This is doing the same thing that...for local taxing districts that we did for education districts, and it removes the ten percent...well, the...the bill that passed, it was Senate Bill 415, removed the ten percent cap on farmland assessments and it made significant changes in the amount of revenue generated by local taxing districts, and we held harmless school districts that suffered more than ten percent loss of their aggregate equalized assessed valuation. We're wanting to do the same thing for other local taxing districts which, of course, are counties, townships and...and anyone else. The fiscal impact of this particular piece of legislation is 1.8 million dollars. This is Demuzio-Watson legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator...Senator Rigney. Senator Friedland, did you take your...all right, Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, here we go again. The impact, I understand, what, 1.8 million dollars now that we're going to be making up for some of these taxing districts. If we come right down to what the bottom line was all about, the only thing we really did under the old Senate Bill 415 in the last Session was to really get serious for the first time about

implementing the farmland assessment law. Obviously, there were going to be some winners and some losers, some...some are going to take a bump here and there along the way. I somewhat question the concession that we made to the school districts at the time that we did this but nevertheless in our wisdom we did this, and now here we're back and I assume, you can correct me if I'm wrong, but we're talking now about all the counties, we're talking about the townships, maybe fire districts or anybody else that...that might have lost some money. Now, we're going to hold them harmless to anything they might have lost beyond ten percent. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes, it's ten percent of the aggregate total of assessed valuation. It's not replacing the total loss of the farmland reassessment legislation we...that we passed, it's not totally replacing that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

I'd just point out to you that nevertheless though we are spending upwards of two million dollars here to do something that we must have believed in at the time that we did it when we implemented the farmland assessment law. Can you tell us also...I have never...I wasn't aware of the...of the amendment until at this particular moment, I assume that you have a map or something showing who's going to get the goodies out of this and you can tell everybody, you know, what their district is going to get and...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes, thank you. Senator, you and I did talk about this, so we...you were aware of this part of the amendment being circulated. But, yes, we have estimations from the Economic and Fiscal Commission as...as to the fiscal impact in the various counties that will be positively affected. We have that information, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Do...do you have a handout on that? I want to know what I'm getting out of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Watson, do you have a handout for Senator Rigney?

SENATOR WATSON:

Yes, I have, right here at my desk. He's welcome to look it over.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jeremiah...Senator Jerry...Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I...I have several questions, too. I'd certainly like to see that handout. Are...are we...is the State making up the money that the farmland assessment bill is costing these taxing districts? Is that what this does?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

The State is making up the money but it's not the total valuation that...that's being lost by the local taxing districts. It's not the total impact of the Farmland Reassessment Act. It's only those counties and only those taxing districts that the aggregate amount drops greater than ten

percent. That's not farmland assessed valuation greater than ten percent, that's the aggregate amount. That's why the fiscal impact is so low, but what we're doing is at least protecting some of those taxing districts that have had a...a real negative impact in regard to the revenue generated from farmland reassessment.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. Well,...you know, I...I'm not...real sure that what we did with the Farmland Assessment Act by limiting the ten percent is the right thing to do. You know, agriculture is in a depression and what we are doing is hiding the fact that our taxing bodies whether they be school districts or local units of government are floundering because of the depressed economy in our rural communities. So I think what...what we're doing is once again trying to hide the fact that what we ought to be about is...is having a better farm bill, if you will, than what we have coming from Washington. So, you know, I...I don't think this is a very good idea. I think that...that we're...we're just camouflaging the...the fact that...that we're in serious trouble and...you know, this isn't the way to get at it. I...I don't know how the...the people are going to make up this difference and...and it just...just doesn't make a lot of sense to me, but I would like to see the printout.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of Senator Watson's amendment here. We have counties in this State that are strapped for funding sources; they obviously cannot go back and raise local property taxes to take care of State mandates

in the area of jail construction, jail renovation, the election laws that we have perpetrated upon some of these counties now which have increased their responsibilities tremendously. We took the ten percent cap off of the farmland assessment law to benefit the agriculture community all over this State, and I would hope that we could hold harmless...one time, one shot deal here those counties which have been hurt by taking that cap off. I think it's a good amendment and I think we should pass it. I rise in strong support of it.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. And, Senator Watson, just for clarity 'cause I think there is some confusion with respect to...to the language in the bill. This is aggregate assessed valuation of all assessed valuation. It isn't just the impact that the farmland assessment bill has on...on reducing the amount of revenue or assessed valuation for that taxing body, but it's the aggregate of both urban and rural property. So the only culprit here is not the farmland assessment bill and that should be noted.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Watson, you wish to close? I beg your pardon, Senator Watson, if you'll hold just a minute. Senator Berman.

SENATOR BERMAN:

Question for the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Berman.

SENATOR BERMAN:

This would apply to home rule units also, wouldn't it?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

I don't know.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

All right. I...I'm led to believe, and you can educate me between now and tomorrow, that any taxing body under this amendment that would lose more than ten percent of its assessed valuation their loss of revenue is made up by the State of Illinois under this amendment. Is...is that correct?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

That's my assumption, yes.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Then it appears to me that what we are saying is that the State is stepping in to be a guarantor to every taxing body that loses more than ten percent assessed valuation. Now, in some situations that may be justified, but let me just tell you that if you have a home rule unit that loses more than ten percent assessed valuation, instead of their governing body increasing their taxes to make up for it, you're going to have to vote the appropriations to make up for their loss of revenue. I'm just wondering whether I want to be the equivalent of every park district commissioner, every school...every alderman of every city. Is that why I was elected on November 4th for another four years to do their job? I'm not getting their salary...I'm not getting their salary and I don't want their headaches and I just...I...I'll learn more about this between now and tomorrow, but I just

caution all of us as to whether this makes sense in guaranteeing every taxing body. You know, with the schools we have a primary responsibility under the Constitution. I'm not sure that we have a primary responsibility for every taxing body's income regardless of what happens to them, and we'll hear more about this on 3rd reading. But I...I just raise this question, I hope you can clarify this between now and tomorrow.

PRESIDENT:

All right. Is there any further discussion? Further discussion? Senator Watson, you wish to close?

SENATOR WATSON:

Yes. Thank you, Mr. President. I'm sure that we will hear more about this on 3rd reading and I certainly welcome that, but what we're trying to do here is do nothing more than what we did for education and that's provide some sort of a safeguard for one year, one year only, a hold harmless provision for units of local government that are...have been negatively effected by the Farmland Reassessment Act acceleration that we...that we provided this past Session. Now, we're talking about road districts, townships, counties and in areas which are really having a real problem in dealing with many of the mandates that we continually pass on to them, cost measures that we ask them to...to accept and...and put into their budgets and then we destroy their tax base by...by eliminating a lot of their revenue locally. And that's all we're trying to do is give those counties, townships taxing districts some time to...in order to...to come up with a budget and, hopefully, maybe even a tax increase during the next year in order to provide the services that we are demanding and asking for...from those particular entities, and I urge your support.

PRESIDENT:

All right. Senator Watson has moved the adoption of

Amendment No. 1...No. 1 to House Bill 313. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is adopted. Further amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senators Watson and Demuzio. You don't want this? You want to withdraw it?

PRESIDENT:

Quit while you're ahead they call that. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. All right. If I...the Chair can have your attention for a moment. We have only one more motion to discharge. Senator Leitch, at the request of the administration, has a bill that he wishes to pull out of committee and place on the Calendar. It will be amended, I'm told, probably tomorrow. The schedule as written will stand. We will start tomorrow at ten o'clock in the morning and we will be in Session on Thursday. I have attempted to talk to the House and see if...by any possibility we could conclude our business tomorrow, it does not appear likely. So we will be in Session on Thursday. There will be a number of us going up to Senator Nega's funeral and we...upon our return, we will go into Session, but we will be in Session at ten o'clock tomorrow and do as much as humanly possible. Senator Schaffer.

SENATOR SCHAFFER:

I would like the record to reflect that Senator Macdonald is absent due to illness. She is home recovering and I understand doing well but not with us this week.

PRESIDENT:

Good, the record will so reflect, thank you. Senator

Leitch...the Order of Motions in Writing, Mr. Secretary.

SECRETARY:

I move to discharge the Committee on Insurance, Pensions and Licensed Activities from further consideration of House Bill 1954, and that...the bill be placed on the Calendar on the Order of 2nd Reading.

PRESIDENT:

Senator Leitch.

SENATOR LEITCH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The purpose of this is to create a vehicle for an amendment that may be coming tomorrow relating to the business...Corporate Business Act. I've been requested to put this together and will seek to put on an amendment tomorrow.

PRESIDENT:

All right. Senator Leitch has moved to discharge the Committee on Pensions and Licensed Activities from further consideration of House Bill 1954 and asked that the bill be placed on the Calendar on the Order of 2nd Reading. All in favor of that indicate by saying Aye. All opposed. The Ayes have it. The motion carries, it's so ordered. Any further business to come before the Senate? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd...like to make mention that in Room A-1 of the Stratton Building tomorrow at ten o'clock we're going to have a Local Government Subcommittee meeting on...on...and hear from Bond County. People that are negatively impact by a lot of the legislation that we pass up here,...they're going to be here for a half hour to...to present testimony before that committee and anyone who's interested in regard to the problems they're having. And I think it's a message we need to hear and I'd appreciate any and all attending. Thank you.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Mr. President, did you indicate ten o'clock tomorrow for...

PRESIDENT:

I did, I was unaware of a scheduled committee meeting.

SENATOR KELLY:

...well, then I think maybe Senator Watson ought to move that meeting up to an early hour if he wants to accommodate that meeting.

PRESIDENT:

Well,...if...otherwise, the Chair will accommodate. We'll...if ten o'clock is the meeting, we'll start at ten-thirty to give the folks from Bond County a chance to be heard, I guess, huh? All right. Well, we'll start at ten-thirty to give everybody a chance for the Local Government Subcommittee to participate. I'd ask the members to please, please, be prompt. Ten-thirty tomorrow, we will attempt to discharge as much of our business as is humanly possible and we will be in Session on Thursday. If there's no further business, Senator Vadalabene moves that the Senate stand adjourned until ten-thirty...ten-thirty, Wednesday, December 3rd. The Senate stands adjourned.

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