

83RD GENERAL ASSEMBLY

REGULAR SESSION

MAY 27, 1983

PRESIDING OFFICER: (SENATOR BRUCE)

The hour of nine having arrived, the Senate will come to order. Prayer today by Rabbi Israel Zoberman of the Temple B'Rith Sholom of Springfield, and will our guests in the gallery please rise.

RABBI ISRAEL ZOBERMAN:

(Prayer given by Rabbi Zoberman)

PRESIDING OFFICER: (SENATOR BRUCE)

Reading of the Journal.

SECRETARY:

Wednesday, May the 18th, 1983 and Thursday, May the 19th, 1983.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns.

SENATOR JOHNS:

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

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Are there additions or corrections? On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The Journals just read are approved. Senator Johns.

SENATOR JOHNS:

Mr. President, I move that the Journals of Friday, May the 20th; Monday, May the 23rd; Tuesday, May the 24th; Wednesday, May the 25th; Thursday, May the 26th, in the year 1983, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The motion prevails. Message from the House.

SECRETARY:

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

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

House Bills 18, 134, 375, 557, 561, 637, 767, 799, 881, 995, 1001, 1054, 1086, 1105, 1108, 1116, 1131, 1137, 1138, 1139, 1141, 1154, 1156, 1159, 1178, 1187, 1189, 1205, 1222, 1224, 1227, 1232, 1239, 1250, 1253, 1257, 1262, 1275, 1290, 1330, 1410, 1466, 1486, 1549, 1603, 1638, 1725, 1780, 1796, 1830, 1831, 1862, 1873, 1887, 2031 and 2171.

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

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

House Joint Resolution 44 and 45.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar. Is there leave to go to the Order of House Bills 1st Reading? Call the membership's attention to the fact that several House bills do not have Senate sponsors. If we can get those picked up we can get them into committee, there's seventy that are picked up. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If I can have the member's attention, when we begin on 3rd reading, and I hope we will begin shortly, because it is our intent at least to try to give everybody a run at the bills remaining on the Calendar. We will begin on page 8, where we left off, with Senate Bill 1160, that's Senators DeAngelis, Rupp, Fawell, Keats, Philip, Schaffer, Jeremiah Joyce, and we will begin and I would urge everyone to be present because we may not get back.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bills 1st reading.

SECRETARY:

House Bill 174, Senator Lemke is the Senate sponsor.

(Secretary reads title of bill)

176, Senator Lemke.

(Secretary reads title of bill)

252, Senators...Jerome...yes, Jerome Joyce and Marovitz.

(Secretary reads title of bill)

367, Senator Bruce.

(Secretary reads title of bill)

368, Senator Zito.

(Secretary reads title of bill)

639, Senator D'Arco.

(Secretary reads title of bill)

701, Senator Lemke.

(Secretary reads title of bill)

742, Senator Lemke.

(Secretary reads title of bill)

764, Senators Chew and Coffey.

(Secretary reads title of bill)

813, Senator Schaffer.

(Secretary reads title of bill)

839, Senator Lemke.

(Secretary reads title of bill)

849, Senator Welch.

(Secretary reads title of bill)

928, Senator Lemke.

(Secretary reads title of bill)

940, Senator Newhouse.

(Secretary reads title of bill)

964, Senator Lemke.

(Secretary reads title of bill)

985, Senator Welch.

(Secretary reads title of bill)

1026, Senator Watson.

(Secretary reads title of bill)

1050, Senator Vadalabene.

(Secretary reads title of bill)

1065, Senator Lechowicz.

(Secretary reads title of bill)

1066, Senator Geo-Karis.

(Secretary reads title of bill)

1079, Senator Egan.

(Secretary reads title of bill)

1155, Senator Marovitz.

(Secretary reads title of bill)

1180, Senator Buzbee.

(Secretary reads title of bill)

1245, Senators Coffey and Zito.

(Secretary reads title of bill)

1264, Senator Watson.

(Secretary reads title of bill)

1286, Senator Jones.

(Secretary reads title of bill)

1305, Senator Nedza.

(Secretary reads title of bill)

1329, Senator Netsch.

(Secretary reads title of bill)

1336, Senator Lemke.

(Secretary reads title of bill)

1339, Senator Bruce.

(Secretary reads title of bill)

1345, Senators Lemke and Marovitz.

(Secretary reads title of bill)

1356, Senator Jones.

(Secretary reads title of bill)

... 1376, Senator Luft.

(Secretary reads title of bill)

1394, Senator Lemke.

(Secretary reads title of bill)

1463, Senator Kelly.

(Secretary reads title of bill)

1467, Senator Lemke.

(Secretary reads title of bill)

1483, Senator Lemke.

(Secretary reads title of bill)

1501, Senator Lemke.

(Secretary reads title of bill)

1590, Senator Watson.

(Secretary reads title of bill)

1652, Senator Lemke.

(Secretary reads title of bill)

1665, Senator Coffey.

(Secretary reads title of bill)

1673, Senator Lemke.

(Secretary reads title of bill)

1674, Senator Lemke.

(Secretary reads title of bill)

1704, Senator Davidson and Schuneman.

(Secretary reads title of bill)

House Bill 1723, Senator Vadalabene and Lemke.

(Secretary reads title of bill)

1813, Senator Bruce.

(Secretary reads title of bill)

1829,...Senator Demuzio.

(Secretary reads title of bill)

1847, Senator Lemke.

(Secretary reads title of bill)

1851, Senator Dawson.

(Secretary reads title of bill)

1872, Senators Watson and Hall.

(Secretary reads title of bill)

1885, Senator Watson.

(Secretary reads title of bill)

1922, Senator DeAngelis.

(Secretary reads title of bill)

1924, Senator Barkhausen.

(Secretary reads title of bill)

1955, Senator Kustra.

(Secretary reads title of bill)

1963, Senator Maitland.

(Secretary reads title of bill)

1972, Senator Grotberg.

(Secretary reads title of bill)

2119, Senator Marovitz.

(Secretary reads title of bill)

1st reading of the foregone bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

There's been a general request to tape the proceedings from a number of Chicago and downstate T.V. camera crews. Is leave granted? Leave is granted. All right, Senator Rock.
SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It is now just past nine-thirty, and it is Friday, and I'm sure everybody wants to return to their district and enjoy the Memorial Day weekend. We will begin on page 8 and it will be Senators DeAngelis, Rupp, Fawell, Keats and Philip are the first out of the chute. On the Order of 3rd Reading, if you please, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, on the Order of 3rd Reading, page 8, towards bottom, Senate 1160, Senator DeAngelis. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1160.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1160 as amended creates the Solvency Fund for group self-insurers. Several years ago we allowed two or more companies to join together to be self-insured on a group basis for worker's comp. insurance. When we did that, in the event there was a default, the language was that we would levy upon those people for the shortfall. The program has been tremendously successful, and when programs are tremendously successful, it means there are a lot of people doing it and some other risks have come in. So, what this bill does, it creates a Solvency Fund for group self-insurers. I urge its favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Any discussion?
Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, as you know, I support this idea with one exception, the bill, in its present form, suggests the possibility that in the event the Insolvency Fund becomes insolvent that the General Revenue Funds of the State of Illinois could be used to prop up that fund, and I'm concerned that the bill not pass in its final stage with that provision in there. What...what's your intention in that respect?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Schuneman, I appreciate your calling this

to my attention and...and the intent will be stated very clearly on the Floor. We will amend that paragraph, though permissive, we will amend that paragraph out when it gets to the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Mr. President, with that provision, I wholeheartedly support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Any further discussion? Senator DeAngelis, do you wish to close?

SENATOR DeANGELIS:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1160 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1160 having received the required Constitutional majority is declared pass. Senator Nedza, for what purpose do you arise?

SENATOR NEDZA:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR NEDZA:

In our midst this...this morning floating around in his...I wouldn't want to say fat but heavy, jovial self is a former colleague of ours, Senator Walter Nega.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Walter Nega, welcome back. Senate Bill 1174, Senator Rupp. Read the bill, Mr. Secretary, please.

SB 1174
3rd Reading

SECRETARY

Senate Bill 1174.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. What this does and it helps our Illinois Labor Department do its job of enforcing the Prevailing Wage Act. We've had an experience in Decatur and in some other areas where a contractor accepts specifications and gets the contract and then does not follow through with all the specifications. Particularly, we're addressing the failure to follow through on the agreement which is part of the contract to pay prevailing wage. There is a way, you can go through court, but normally what happens is that all the delays that are built in in that system, perhaps delay the injunction and some remedy until the job is finished. What this will do will permit the Labor Department to issue a...an injunction to stop the work until it's...the question is satisfied.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Keats.

SENATOR KEATS:

I thank you, I...I rise in regrettable opposition to a colleague's bill. This bill, although it comes from within the Department of Labor is not an administration bill, and what it does in granting this...injunctive relief is expands the right to...to prosecute for prevailing law...violations to include the Department of Labor. I think we all know in terms of prevailing wage the Department of Labor's enforcement is virtually Draconian and I don't know that injunctive relief is a problem. I think what we really have here is a solution to a problem that does not exist. You know, we're

notorious for solving problems that didn't exist and making them problems. You start getting into injunctive relief and the holdups involved, the work stoppages, I don't have to tell you the cost that we're talking about when you talk about work stoppages, we have a short working period to begin with in most cases and you get some stoppages here, we've got serious, serious problems. Okay, then with that, I would ask one serious question that I just really do not know how it can be enforced either, so I would ask the sponsor to yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Sponsor indicates he will yield. Senator Keats, state your question.

SENATOR KEATS:

This...Jim, probably the Department of Labor is going to have to answer this for us, but how do you allow injunctive relief against awarding the contract when it hasn't been awarded yet? You see, part of the thing with the injunctive relief, in this case, deals with preaward and it's going to be really hard if the contract isn't awarded to gain injunctive relief.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rupp.

SENATOR RUPP:

I'm...I will answer that...I think what...if we have a situation where there is a history of a failure to...to comply to this particular part of the contract, I think that is a time when they would step in, see that the...the prevailing wage is going to be paid. You mentioned that we're addressing a question of and a problem that does not exist. Again, Senator Keats, I wish you could come to Decatur, I wish you'd get...visit some of the other areas and you would see that there is a problem. We actually had on the Orlando Hotel, this fellow took the contract; his agreement was that

he was going pay prevailing wage. If he had not done so, maybe he was able to hold his bid price down and get the job from someone else. Now, I think failure to pay when you...on that particular basis, when you're...that's part of the specifications, is just about as bad as if I were a masonry contractor, I agree to put in four inches of cement and I just put three. I think this is the thing that we need to stop that particular violation of a contract. We have had instances of it, so believe me, whether you...just by you saying it's no problem, there is one, and we have had actual cases.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. One of the problems I see with this bill is...is...has to do with the whole concept of prevailing wage in the way it's interpreted in this State. I don't think anybody quarrels with the idea that the wage for public projects should be that which prevails in the community. The problem is that the way that the Department of Labor interprets that is in, I think, a very arbitrary fashion and, basically, what it amounts to is calling up and finding out what the highest union scale is in that area and that's the...that's the rate that has to be paid for all public work under the Prevailing Wage Act in that community; and before we fix the way the Department of Labor computes prevailing wage, I don't think we should give them any further authority in this area, and I think this is...this bill should not be approved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Rupp may close.

SENATOR RUPP:

Thank you, Mr. President. What we're trying to do...we

are not addressing in this particular bill the validity or the...the worth of...of the prevailing wage law, that is law...that is part, it's on the books. What this bill does is to give the Labor Department a chance to enforce the law, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 1174 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Sam. Senator Rock. All...have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 18, none voting Present. Senate Bill 1174 having received the required constitutional majority is declared passed. Senator Keats, do you persist? All right. All right. Senator Keats has asked...requested...Senator DeAngelis, do you...for what...

SENATOR DeANGELIS:

Verify.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...all right. Senator DeAngelis has requested a verification, I assume of the affirmative roll. Will all the Senators be in their seats. The Secretary will read the affirmative vote. Mr. Secretary.

SECRETARY:

The following voted in the affirmative: Becker, Bruce, Buzbee, Carroll, Chew, Coffey, Collins, D'Arco, Darrow, Degnan, Demuzio, Egan, Hall, Holmberg...

PRESIDING OFFICER: (SENATOR DEMUZIO)

A little faster.

SECRETARY:

You want me to go faster?

PRESIDING OFFICER: (SENATOR DEMUZIO):

Yeah, a little faster, they're all here.

SECRETARY:

Johns, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Lenke, Luft, Marovitz, Nedza, Netsch, Newhouse, Rupp, Sangmeister, Savickas, Smith, Vadalabene, Watson, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator DeAngelis, do you...question the presence of any member?

SENATOR DeANGELIS:

Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey is on the Floor.

SENATOR DeANGELIS:

Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins. Senator Collins is at the rear of the Chamber.

SENATOR DeANGELIS:

Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR DeANGELIS:

Jeremiah...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce in on...is in his seat.

SENATOR DeANGELIS:

Senator Bruce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Do you question anyone else, Senator? All right, Mr. Secretary. All right, on that...on that question, the Ayes are 33, the Nays are 18, none voting Present. The roll call

has been verified and Senate Bill 1185 having received the required constitutional majority has been declared passed...I'm sorry, 1174. 1174. 1185, Senator Fawell. On the Order of 3rd Reading is Senate Bill 1185.

SECRETARY:

Senate Bill 1185.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank...thank you, very much, Mr. President and members of the Assembly. This is a merely bill. It is cleaning up the Statutes. We have had a problem in...in our county that curb-stone lawyers are coming in and protesting their taxes because they claim we do not have the authority to tax for our historical museum, emergency service, and sheltered care and detention homes. We do have the authority, they happen to be in other Statues. We are merely duplicating the Statutes and putting them, also, under the county Acts, and I will be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will...the...the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand by your bill there is no additional tax? It simply clarifies it in the Statute...it puts it uniform in both sections where the taxes are referred to and they are already in existence, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

That is right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any further discussion? Further discussion? All right, on that question...all right, the...question is, shall Senate Bill 1185 pass. All those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1185 having received the required constitutional majority is declared passed. Senate Bill 1186, Senator Keats. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 1186.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I would respectfully request of the Senate that we Table this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats moves to Table Senate Bill 1186. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Senate Bill 1186 is Tabled. Senate Bill 1199, Senator Philip. Senator Philip on the Floor? All right, Senate Bill 1199, Senator Schaffer. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 1199.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, last year we passed Senate Bill 1174 which created the Chain of Lakes-Fox River Waterway Management Agency and we held the bill in the House because we felt the need for additional participation at the...at the public level to clean up the Act. This is a revised version of that proposal which...would provide by referendum the creation of a water management agency in the Chain of Lakes-Fox River area to be...funded by user fees, boat fees. We have put a ceiling on the boat fees, clearly defined the powers, provided a ten year life and the ability for the public to repeal the agency at...at any election. It's a weak form of government but what we were proposed to do is use the boat fees to promote the recreational water use of this very important natural resource in northern Illinois. Frankly, we've waited a long time for OPEC or the Federal Government or some sugar daddy to fund us and the area is going downhill and going downhill quickly. We'd like an opportunity at the local level to address the problems and solve them our own...at our own pace. I'd be happy to answer any questions. I think it's a responsible solution to a local problem, but a very important resource for everyone in northern Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any questions? Senator Egan.

SENATOR EGAN:

Yes,...Mr. President and members of the Senate, I rise in support of the bill. I...a great deal of work has gone into the effort here, and I commend Senator Schaffer for all of the time that he's put in on it, and public hearings and consensus of opinion in the local area it's absolutely vital to keep those Chain of Lakes existing, and I urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any further discussion? Further discus-

sion?...question is, shall Senate Bill 1199 pass. All those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Sam. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1199 having received the required constitutional majority is declared passed. Senate Bill 1201, Senator Jeremiah Joyce. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 1201.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Senate Bill 1201 results from the fact the blind students in the State of Illinois are having a difficult time passing the bar examine. The amount involved in this appropriation is more than necessary to deal with the problem that I'm trying to deal with. I think what I'm really trying to deal with is a bureaucratic problem, but I'm getting all of these reasons and excuses why they cannot administer the bar examine in Braille. The last five kids who have taken the bar examine...blind students who have taken the bar examine have not passed it. This thing could probably be set up where an almost minimal appropriation would be required. I think it is more symbolic than anything else. I think if we pass it out of here and it gets over in the House we will be in a position that we can work with those who have the...decision making powers to remedy what I think is a...is an injustice, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Davidson.

SENATOR DAVIDSON:

Yes, sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Senator Joyce, my understanding was that if you wanted to get a examination such as the State examine or the bar or any other in Braille, that that was available through the National Blind Association at no cost. Is that true or not true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Senator Davidson, it could probably be administered at no cost...in the way that you say. The problem that we are dealing with is that they are giving us a bureaucratic...giving me a bureaucratic runaround on this thing, while the...they say the examiners won't approve it because there's no money; well, we're under the control of the Supreme Court, we can't do anything there, they keep going back to the money question. I would assume that this appropriation if passes out of here would be amended in the House for an amount maybe of a thousand dollars...two thousand dollars, I don't know. I am trying to drive home the point that these students after they struggle through law school with that handicap should be given every opportunity that we can given them to pass the bar examine and they are not presently getting it. Now, I've helped administer the...law school admission test to blind students, and believe me, it's very, very difficult; and I cannot imagine why the bar examiners and those involved in this thing have taken the position they have. But the fact of the matter is, kids in the State of Illinois...blind students in the State of...Illinois are having a difficult time and we can change that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any further discussion? Any further discussion? The question is, shall Senate Bill 1201 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. Senate Bill 1201 having received the required constitutional majority is declared passed. Senate Bill 1202, Senator D'Arco. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 1202.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the licensing bill for the roofing contractors. It provides that in order to qualify you have to have at least three years experience in the roofing industry, and you have to comply with the law as far as workmen compensation insurance is concerned and property and liability insurance is concerned, and you have to notify and get a...a unemployment index number in case unemployment insurance becomes a necessity. I don't know of any known opposition to this bill. There are safeguards in the bill to the public in order to allow the people that are presently in the business to do the work in an orderly fashion, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further...any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill, in its present form, didn't receive a hearing in committee, the...the con-

cept did, but the bill was amended on the Floor and...so the amendment really is now the bill. Senator, in the definition of roofing contractor...and let me say at the outset, what I'm really concerned about here is not whether or not we license some of the large roofing contractors in the State, but rather whether or not we're going to have a license...another licensing bill that's going to harass every small operator around the State, and I'm...I'm very concerned about that aspect. In the definition of roofing contractor that you're now seeking to license, it seems to me that individuals who operate without any employees, and particularly in the farming community where we have guys who go out and do this kind of repair work on farms, that anyone that works on a roof is going to have to be licensed. Do you agree with my interpretation of that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator D'Arco.

SENATOR D'ARCO:

No, I...I...I think if...if you look at the definition it...it indicates that it...it is in the roofing trade which would...apply the definition only to those people who are in the business of...of doing roofing work. So, any individual who would repair his own roof, or do it for a friend, or whatever wouldn't...it wouldn't apply to them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, frankly, the people I'm concerned about are those in...in rural communities, in small towns, maybe a...a carpenter who is not limited to the roofing trade but does many kinds of repair works in those communities might also do some...some roofing working. Now these are not the people that you hear the stories about. These are...are responsible workmen in the communities; and the way your bill is drafted,

it seems to me that when it says, "Roofing contractor is one whose services are unlimited in the roofing trade," that that is pretty broad and will include those people. I'd rather see a bill restricted to those whose trade is limited to the roofing trade and I...I think you've gone too far in your definition. I'd simply point out to the membership that we have here another licensing bill seeking to license in this case roofing contractors and that the definition, in my opinion, is way too broad for most of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? The Chair recognizes the appearance of Congressman Dick Durbin who is in the back of the Chamber. For those of you have any questions about the Federal Government, I'm sure he'll make himself available. Welcome to...back to the Springfield, Congressman Durbin. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Is...is this an appropriate time to...to start talking about bald eagles? That's an in-joke. Who wants this bill? I've...haven't heard a complaint in the world about licensing of...of...are there unscrupulous people out in the industry doing bad things? This is a question, by the way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator D'Arco.

SENATOR D'ARCO:

Well, that...I think that's the purpose of the bill that there are many people who are performing this work that are doing it in a...a very...unworkman-like manner and they are ripping off people and...and then when...when these...roofs of homes and industry are...are...are in disrepair, there's nowhere to contact these people, they leave the State, they don't have any insurance, and that's part of the...that's part of the problem. Even if a...if a person is hurt on the job, there's no way to protect that person because these

people are not insured. It's a terrible situation and I think that...you know, you may not be hearing from these people, but I'm hearing from these people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Doesn't this bill grandfather those people in?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

I'm sorry, what did you say?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Doesn't this bill grandfather everybody that's doing it in right now, so that all the unscrupulous, evil people you just spoke about, you're now going to give the official blessing of the State of Illinois?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

No, I'll tell...no, I don't believe it does, and if you find a...a grandfather provision in the bill, I'll take it out in the House 'cause I...that wasn't my intent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I was interpreting your comment when you said it wouldn't prevent anybody from roofing who is roofing now, so, I didn't see what it accomplished. Frankly, I happen to have a couple of friends that are unemployed carpenters and I've talked to them about putting a new roof on my house this summer, now they aren't regular roofers but they happen to be two pretty skilled guys that I have a lot of faith in. This

bill is going to keep them on unemployment for another two weeks instead of them being able to do a job. I think this is just unconscionable. I think you're just absolutely...you know, we have run amuck again and I know a few people want to feather their own nest, but let's think about the people for a change. This will drive up the cost of roofing in every little town and hamlet in this State. No wonder the public thinks we're all a bunch of cut purses.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in opposition to this bill and I think the sponsor of the bill is trying to solve a problem that...that I know is out there. I do quite a bit of repair and construction on apartments and real estate. One of the problems that it's not going to solve is the same one now we have plumbing license. You hire a plumber that has a license and he sends out two kids that's never plumbed in their life. You're going to have the same problem with roofers. You're going to find a person that has a license to roof and knows what he's doing, but he's hiring and paying the minimum wage which is not even a...a reasonable wage for a person that should be skilled in those areas is going to come out and put your roof on. We're going to have the same problem, and I think it gets back to the ethics of the contractor, if he is a reliable contractor, he has reliable employees; but I know in the past in asking with the...with the plumbing situation, and carpenters in many cases, they end up sending out someone that is not skilled and they can...they don't have to be licensed, they don't have to have any experience but they can still put your roof on. And I think that's what's still going to happen, that's what happening in other licensing areas such as the plumbing area. So, I think that...that we

ought to vote against this bill and I...I understand what the problem is, but this bill is not going to solve it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator D'Arco, I am concerned, too, about your definition and let me give you an example. I have contractors...working small contractors, one or two persons, it's a family, on my house and I have some minor work to be done on my roof. Now, are you saying that under your definition, that that...I could not allow that person unless he had a roofing...license to fix my roof? Or do you have a limit on the amount of the contract that you're talking about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

No, if...if you...if you had an arrangement with someone to...to fix your roof, as a friend, you mean, or is...is he doing it for money?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Collins.

SENATOR COLLINS:

Oh, how I wish; he's doing it for money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, then he...he should know what he's doing and he should be licensed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins. All right. Further discussion? Senator

Collins.

SENATOR COLLINS:

But he is not a roofing contractor. He does not specialize in roofing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator D'Arco.

SENATOR D'ARCO:

Well, you mean he's a man of...what do they call those guys...no, he's a...a man...jack-of-all-trades, that's it. He's a jack-of-all-trades. Well, maybe we'll...next year we'll have a bill for jack-of-all-trades, too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Any further discussion? Senator Chew.

SENATOR CHEW:

Mr. President, this bill was gone over in committee, we had excellent testimony in here. Now, here's what it's designed to do. The newspapers throughout this state and especially in your metropolitan areas, frequently carry news of how phony contractors and roofers rip off senior citizen home owners and other people that own property. They will come out and do a lousy job and suddenly when time comes to have that job corrected, they're no longer in existence. The home owner has no comeback because it was done by one who purportedly to have been a roofer and he, in fact, were not at all. Now, to answer Senator Coffey's complaint, and you stated that a roofer who is licensed would send out some inexperienced workman to perform the duties of roofing, that licensed roofing contractor is established and responsible for his workers. The workmen should be trained roofers but in the event they're not, the licensed contractor would be responsible. What we're trying to eliminate is the jack-of-all-trade kind of person whereby there is no recourse once you have paid this bill and it has not rained and as

soon as the rain comes then you find that your roofing job has been incomplete. We do not intend to damage any licensed roofing company, but we do intend to curb the activity that's being done and performed by these persons who'll pick up a hammer and get a roll of shingles and allegedly represent themselves as professional roofers. We don't need those people in any kinds of trade that is not regulated by an agency whereby they can be held responsible, that's all this bill does. It's a good bill, it ought to be passed. It's worthy of becoming law. Then you'll eliminate the fly-by-night person that's out there for the sole purpose of fleecing potential clients out of huge...huge sums of monies and they no longer can be located, that's what this bill is designed for, not to damage a reputable firm of any kind what shape, form or fashion. I would ask for full support.

PRESIDENT:

Further discussion? Further discussion? Senator Johns.

SENATOR JOHNS:

I'd like to ask the sponsor a question.

PRESIDENT:

Sponsor indicates he'll yield, Senator Johns.

SENATOR JOHNS:

Senator D'Arco, have you ever roofed a house?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Yeah.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Doll house maybe or something like that...doll house? You're a great friend of mine, but listen, I've roofed my own house and...and several houses, and a warehouse, and there's no real art to roofing a house, once you get the knack of

it...don't give...don't give me that stuff, I've done it, so you can't tell a guy who's done it that there's a great art to it, you get the trick of it, and even my sons help me and we can roof one in no time, and we've done it five or six houses that I...that's in the family. But let me tell you this, down home where there's a lot of guys out of work, you put a license on them and a lot of guys won't be able to find work that know how to do this. So, I've got to rise in opposition to your bill.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I rise in support of this legislation, most of the reasons articulated by Senator Chew. We're not talking about a great amount of money here, we're not talking about trying to keep people out of the trade. We're talking about trying to deal with what we call the Gypsies in the City of Chicago who put roofs on and give you guarantees and show you all kinds of papers and have old people sign and they think they're signing contracts and they're carrying around warrantees and guarantees and they have a worthless piece of paper and a worthless roof, that's all we're trying to do here.

PRESIDENT:

Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Well, let me say this...number one, to Senator Schaffer, there...there is no grandfather clause in here, so, you know, we're trying...we're not trying to fool the public. Number two, I...I think Senator Chew and Senator Joyce really hit the nail on the head....yeah, hit the...what...yeah, the nail on the roof, right, that's what they did, when they said...when they said that the problem is with the unscrupulous roofing man who goes out and does something to

your roof and then you find out later you have a leak, and they take advantage of old people, and they have no insurance at all. There's no way to find out who they are because they're not registered with the State...of Illinois as a corporation or as an individual, and they're fly-by-night people and they...and they just, you know, unscrupulously take advantage of...of people that are unknowing, and that's the...the harm we're trying to address in this bill. This isn't going to hurt the little guy because it says that the roofing contractor has to be licensed, and it is true that his employees don't have to be licensed, but that's to the advantage of the public and the little guy, 'cause it'll keep the little guy in business and it'll put the responsibility on the roofing contractor to make sure that that little guy does the work...work in a workmen-like manner because it'll...it'll be his responsibility if the roof leaks. So, we're covering all the bases in this bill, and I haven't heard one solid, good objection to this bill, and I ask for a favorable vote.

PRESIDENT:

Question is, shall Senate Bill 1202 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 29, 2 voting Present. Senate Bill 1202 having failed to receive the required constitutional majority is declared lost. On the Order of Senate Bills 3rd Reading, Senate Bill 1210, Mr. Secretary.

END OF REEL

REEL #2

SECRETARY:

Senate Bill 1210.

(Secretary starts to read title of bill)

PRESIDENT:

Hold it, Mr. Secretary. Senator Bruce, for what purpose do you arise?

SENATOR BRUCE:

Thank you, Mr. President. We put an amendment on this that may have gooded this bill to death, and what I would like to do, because it's on there, is recommit this bill to committee.

PRESIDENT:

Senator Bruce moves to recommit Senate Bill 1210 to...

SENATOR BRUCE:

Elementary and Secondary.

PRESIDENT:

...Elementary and...Committee on Elementary and Secondary Education. 1213, Senator Dawson. On the Order of Senate Bills 3rd Reading is Senate Bill 1213. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1213.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 1213 as amended does exactly what it says it does here. It reduces the benefits from sixty-six and two-thirds percent of the gross wages to eighty percent of the take-home

wages on worker's comp. The take-home wages is after the Federal Income Tax, Social Security and Illinois State Income Tax has been deducted. On figures given out by the chamber of commerce, basically, a single person would lose twenty-three dollars; a married person with two children would lose two dollars and sixty-four cents, and then as the dependents increase, such as four dependents, they start receiving more money as it escalates up. I'm open for any questions.

PRESIDENT:

Further discussion? Senator Keats.

SENATOR KEATS:

I...I thank you, Mr. President and Ladies and Gentlemen of the Senate. I wanted to commend Senator Dawson for the fine work he's done on this bill. He's put in a lot of effort to get it into good form, and I would recommend all my Republican colleagues that they support the bill, and I appreciate Senator Dawson's hard personal work in getting this into fine shape.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I rise in very strong opposition to Senate Bill 1213. This...a matter was not taken up before the Labor and Commerce Committee. The bill...we allowed the bill to come out, there was no indication and no commitment at all on the part of the sponsor to change this bill. We are...we have already made some substantial gains in the area of improving...unemployment benefits, and both labor and management have taken some heat and cuts and made sacrifices to do this. This is most certainly not the time, at the last hour, to talk about coming in amending the workmen comp. laws by way of an amendment on the Floor of the Senate. I ask that this

bill be resoundly defeated; but first, I would like for the sponsor, out of a matter of courtesy and concern to all of the people, to recommit this bill back to the committee and let it have an opportunity to have an adequate hearing.

PRESIDENT:

Further discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President, I wish our madam chairman would look at the analysis sheet and she'd find out in committee the amendment was put on. It was not put on here on the Floor. She may not have been in committee at the time.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President and Ladies and Gentlemen of the Senate, I would hope that the membership would see exactly what this amendment does. What you're doing is reducing the amount of money that a person who, unfortunately, may have been hurt will be receiving in workman's comp. I personally believe that the laboring people of this State deserve a fair and...and equitable compensation when they are hurt on the job. I believe that what we're doing here is reducing the amount of take-home money that a person is placed in that category. This amendment is not fair to the working people of this State. It should be defeated. This bill should be defeated as amended, and I would just hope that in good conscience people would realize that this is not a overreaction. What you're doing is you're severely limiting a proper dollar amount that should be given to a person who has been hurt on the job. This bill deserves a No vote.

PRESIDENT:

Further discussion? Further discussion? Senator Dawson may close.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, everybody keeps talking about wanting to do something for worker's compensation reduction for the businesses in our State, and I feel that this is doing it in a mild manner and it's not taking that drastic of a change, and I ask for a favorable roll call.

PRESIDENT:

...question is, shall Senate Bill 1-2-1-3, 1213, pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 25, 3 voting Present. Senate Bill 1213 having...failed to receive the required constitutional majority is declared lost. 1222, Senator Berman. On the Order of Senate Bills 3rd Reading, Senate Bill 1222. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1222.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill was introduced as a vehicle to address either formula changes or other critical issues that may arise in the school aid deliberations. Nothing is settled until other matters are settled, so I would ask that we vote this bill out so that if there's amendments placed in the House, it'll come back, we'll have the last shot at it. I've discussed it with Senator Bruce and with Senator Maitland, and I solicit your Aye vote.

PRESIDENT:

The question is, shall Senate Bill 1222 pass. Those in

favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1222 having received the required constitutional majority is declared passed. 1223, Senator Maitland. Is Senator Maitland on the Floor? 1228, Senator Newhouse. On the Order of Senate Bills 3rd Reading, Senate Bill 1228. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1228.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. This bill provides for medical care for...for children whose families are intact. The...the...the story behind it is that where the family is not intact, these children would qualify for medical care, but the family income is low enough so that they would normally qualify anyway. All this does is, this brings those children into the program. Cost of about two million. The Federal...Government will match our dollars. I'd ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Kent.

SENATOR KENT:

Thank you, Mr. President and members of the Senate. This bill does have a two million additional add-on to the budget, and I think that if the monies are available, the Governor would sign it. The rationale is now that these monies totally come from the State and local dollars, and that we could capture some Federal dollars in a fifty-fifty match. I

would support this.

PRESIDENT:

The question is, shall Senate Bill 1228 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1228 having received the required constitutional majority is declared passed. 1234. On the Order of Senate Bills 3rd Reading, Senate Bill 1234. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1234.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1234 provides that in each precinct an election judge shall be selected as an administrative judge and a second election judge to be selected as a deputy administrative judge which will assist in the election authorities in registering and canvassing voters. I'd like to just briefly take out some of the wording which would best describe the merits of the bill from the Chicago Tribune of May 17th, where it states, "The Illinois legislators sometimes show a curious sense of timing. Right after a Chicago mayoral election generally deemed to be the cleanest in memory, they have...come up with waving fistfuls of election reform bills, most of them aimed at Chicago. These proposals call for careful sorting out, some are good, some are awful, quite a few are merely trivial. The most promising bill is aimed at strengthening the anti-fraud controls already in

place while encouraging more people to register and vote. Senate Bill 1234, backed by the Chicago election commissioners, would set up a permanent cadre of trained electing judges. Much of what is called election fraud in Chicago results from inefficiency, the fails...failures of a system that must be cranked up at every election to oversee two thousand nine hundred and fourteen precincts and 1.6 million voters. This bill would substitute for it a permanent screen...screening function the year around to purify the voter's list, it makes sense." The bill was on the Agreed Bill List but I think some of my colleagues on the other side were not aware of that during the recall process I had put on Amendment No. 2 which changes "shall" to "may" throughout the bill to make it permissive, and it also deleted a provision in Amendment No. 1 which provided for the State to reimburse the county clerks. It's merely a permissive bill, it's something that the Chicago Board of Election commissioners were interested in. There is no cost to the State whatsoever, and if there's no questions, I would move for your favorable consideration.

PRESIDENT:

Any discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, very much, Mr. President and members of the Senate. The sponsor of this bill did make a better bill out of it after he amended to say "shall" other than...than...for us to have to refund the county clerks for the cost of this, but it is going to be quite costly. I just think the members of the Senate ought to take a real good look at this, and if our county boards are responsible or if they're not responsible, I just...I suppose that would be the...the key to this whole bill. But it could be quite costly to those taxpayers in the counties if the county board determined that they were going to pay two dollars and a quarter for every registered

vote. I could see us...someone deciding to go out and register...fraternity after fraternity or sorority after sorority just to get the two dollars and twenty-five cents, and it could be a racket. Question of the sponsor. If...on...on the removing the names from the list, Senator, if I could...if I could ask you,...

PRESIDENT:

Indicates he'll yield, Senator Coffey.

SENATOR COFFEY:

...what...what would...the people that we'd remove, is these the people that were not legally voters in that precinct or people that passed away that's still on the list or just for any reason that they would be removed?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

No, it must be a valid reason, such as moving out of the precinct...authority, someone who has deceased or...basically, deceased and changed their residency. What it does is...is it's an attempt to maintain a constant purified list.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

That's probably the better provision of the bill because the bill...the precincts do need to be cleaned up, and I know that that might give some incentive to take those names off of there that should be removed, and especially the ones that have deceased. So, I guess there's...I just wanted to bring to the attention of the members to take a look at this bill seriously before voting for it, and there's some good and bad points, I guess, but thank you, very much, Senator.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

I apologize if someone have asked...you've answered these questions before, I was kind of distracted there. But who selects the boss judge?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Pardon...who selects...

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Well, whatever you want to call it, the chief administrative judge.

PRESIDENT:

Senator...Senator Nedza.

SENATOR NEDZA:

The board of election commissioners makes the provision for two judges; one called the administrative judge and the other one called the deputy administrative judge. The Board of Election commissioners would be, in fact, selecting the...the administrative judge.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Is there any qualification or criteria about which that selection would occur?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

By whatever criteria the board of election commissioners

deems necessary in order to have the qualified people in that position.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Does Project LEAP, IVI and other types of voter watchdog organizations support this bill?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

The only comment that was received was from, I...believe, it was LEAP, Christine Swervey or whatever her name is...or Christin, made the statement that...that she does not support this form of legislation.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

...will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Berman.

SENATOR BERMAN:

What about that...watchdog organization called the Thirty-first Ward Organization. What...what's their position on this bill?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

I am the sponsor of the bill.

PRESIDENT:

Senator Grothberg.

SENATOR GROTHBERG:

Well, thank you, Mr. President. I probably should vote for the bill because it gives...county chairman of the prevailing party in the county some appointive powers. But I

don't know that I want to administer a bounty system in the State of Illinois. The...the question that arises with me is when we add Senator Netsch's bill of yesterday to have us publically finance the candidates, and now we're going to publically finance the foot soldiers and...and work in the registration thing at a cost, and I believe a cost to the counties, that the...I've had no input from my county clerk who is the election commissioner of Kane County, and of the opposition party. I've had no input from any county chairman from the State central committee of our party. This is a very partisan thing, yes, the way it's being administered, and there's nothing wrong with that, I'm a proponent of that. But I think bounty is kind of restricted to coyotes in Illinois, and I don't want to see us get into the bounty system for...for...Senator Nedza, if you have a problem, this...this could be one of your better bills, Senator, except for that provision, because whenever money changes hands at a precinct level, things happen. And, in fact, you have a variation of price scale, for two dollars you get the whole hide; for seventy-five cents you just get a leg and an arm, and...and I understand the thrust of your legislation but I thoroughly disagree with that part of it, and I recommend...

PRESIDENT:

Further discussion? Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It may well be that there was not a lot of testimony on this bill in committee, but there was the proper posting for the bill, everyone...every organization had a chance to come in and testify against this bill if they so wished. They did not do so except for one lady, Project LEAP. This bill passed out of the committee unanimously, and so I leave it to you how you want to vote.

PRESIDENT:

Further discussion? Senator Netsch, for what...Senator Netsch.

SENATOR NETSCH:

Thank you. Just a brief comment. I think the dilemma that some of us are having, Senator Nedza, is that we recognize that the present system, and I'm thinking now about Chicago and Cook County where I live, does not work, it needs some shaking up, and I, for one, would be perfectly willing to try the so-called boss judge system. The bounty part of it is very disturbing though, and I...I just have a feeling we may be opening something up that we would regret very much, and I...I...I know it's part of the bill right now and I'm not suggesting anything other, but I guess I'm really asking, what is the justification, the rationale, the theory for that aspect of the bill?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Senator, presently, there is...you know, everyone is talking about the cost, and there is a cost like everything else. There is a present cost to each judge of election, it's a flat amount that they're being paid for the services of that day. If you take the overall cost, there is not the great increase cost in putting the alleged bounty, if that's the terminology. The incentive that is created by that is something that goes out and that's how you maintain the purification of your poll sheets. It's not, as...as Senator Groberg said, a bounty on coyotes, because I would not like to refer to my electorate as coyotes. I think they're very honorable people. But the costs are in place, this is an incentive, you're spending the same money in...in a sense, but you're distributing it a different way.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Is there any way to avoid the possibility that...obviously not all, but some of those judges would develop kind of a revolving door; that is, challenging people on the list, removing them, being paid to get them back on and so forth?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

In effect, that's just exactly what we're trying to eliminate because of the fact that their...their reports will...will be...verified also. If there's a resident that changes his residency, that will show up in the binder cards in the master file which would be held in the board of election commissioners in our particular case. That you would alleviate, plus you would alleviate the problem of people coming to the polls on election day and saying, well, my name is not on the list, it was removed or what have you. You will have that jurisdiction to clarify those at the polling place at the time that the voter is there instead of having him run around, go down to the election commissioners to get verification with a letter to come back so he can cast his...his or her ballot. In effect, the...the jurisdiction of the board of election commissioners would be extended to each and every precinct at the day of election so that could be resolved immediately and that party will be able to cast their vote at that time, because the judges...those two judges would be there and would act as the arm of the board of election commissioners.

PRESIDENT:

The question is, shall Senate Bill 1234 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who

wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, the Ayes are 42, the Nays
are 14, 1 voting Present. Senate Bill 1234 having received
the required constitutional majority is declared passed.
1236, Senator Berman. On the Order of Senate Bills 3rd
Reading, Senate Bill 1236. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1236.

(Secretary starts to read title of bill)

PRESIDENT:

Pardon me, Mr. Secretary. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I would ask for leave to
recommit this bill to the Committee on Finance.

PRESIDENT:

Senator Berman moves to recommit 1236 to the Committee on
Finance. With leave of the Body, it's so ordered. 1237,
Senator Joyce. Senator Joyce. Senator Joyce on the Floor?
On the Order of Senate Bills 3rd Reading, Senate Bill 1237.
Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1237.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Body. I'm
sponsoring Senate Bill 1237 at the request of Miss Farley and
the Legislative Support Center group. My understanding is
that they have talked to people on the other side of the
aisle, that they have an agreement on this, that there's
going to be...an amendment that will merely increase the pen-
alty provisions. On that basis and with those

representations, I ask for a favorable roll call. I don't know who on the other side is aware of this or who they're talking with.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1237 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 5, 6 voting Present. Senate Bill 1237 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1240. Read the bill, Mr. Secretary. Pardon me. Senator Welch moves to recommit Senate Bill 1240 to the Committee on Agriculture, Conservation and Energy. With leave of the Body, it's so ordered. 1242, Senator Luft. Senator Luft moves to recommit 1242...oh, to the Committee on Local Government. With leave of the Body, it's so ordered. 1251. On the Order of Senate Bills 3rd Reading, the top of Page 10, is Senate Bill 1251. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1251.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill does two things; one, it appropriates the sum of one hundred thousand dollars from the Environmental Protection Trust Fund to correct a situation...which exists in the City of Ottawa, Illinois. That situation was...recently written-up in the...believe it was the Chicago Sun Times, concerning a luminous processing plant which used radium for radium dials on your clocks. As

it happens now, the plant in the middle of the town is so dangerous that there is a fence around the plant and we are attempting to get the contaminated material which is still in the plant removed and safely stored. It is a great hazard to the people in the city. The second part of the bill would...would appropriate two hundred thousand dollars to the Attorney General of the State of Illinois for the purposes of pursuing a lawsuit in order to alleviate a problem concerning a hazardous waste dump which is attempted to be put in in the City of Naplate, which is directly west of Ottawa. The problem with the hazardous waste dump is this, it's being put directly over a aquifer, and...a very porous sandstone area, and there is a great deal of hazard by putting this hazardous waste dump in the present site. So, I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the passage. Discussion? Senator Sommer.

SENATOR SOMMER:

Mr. President and members, to the second part of the bill, you know, every time somebody wants to establish a dump now, it can be a garbage dump, people rise up in opposition and they want to sue. A group rose up in opposition over there and they...they wanted to sue and they got their chance and they lost, they lost in two straight courts. But now they say that the State of Illinois and the taxpayers got to pay for it. We're going...we're going to pay...pay for their lawsuit in the third court against ourselves, 'cause we're financing the defense side too with the EPA and we're financing the court. So, the three...all three groups in this thing, the plaintiffs, the defendants and the courts are paid for by the taxpayer of the State of Illinois over something that is...should be dead by now because it's lost...it's a typical kind of complaint that arise and should not be

financed by the taxpayer, and I would suggest we oppose it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Fawell. Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. Attorney General Neil Hartigan considers this a very important matter, so important, in fact, that he appeared before the House committee on a similar bill to testify in its behalf. In addition, he sent a couple of aides to the Senate committee to testify on behalf of this bill. It's easy for Senator Sommer to say this is just another one of those situations that some people get riled up about. Well, Senator Sommer, if people can't get riled up about a hazardous waste dump which may end up killing people, what..what are they supposed to get riled up about? I think that the time has come for us to say that it's the policy of the entire State of Illinois, not just individual areas, to fight these dumps. Now, we've fought dumps in Wilsonville, in Sheridan...in Sheffield, excuse me, and I think that we have to continue that fight. There is a great problem with hazardous waste, and, Senator Sommer, I'm sure that if you had a dump down in your area that was affecting the City of Morton, I believe that's where you're from, I certainly would also support you. So, I think that this is a State-wide problem, it's not a provincial area problem such as the Senator would try to describe it. I would move for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

The...the question is, shall Senate Bill 1251 pass. Those in favor 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 32, the Nays are 23, 2 voting Present. Senate Bill 1251 having received the required constitutional majority is declared passed.

Senate Bill 1253, Senator Jones. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1253.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1253 is a bill that allows the Chicago School Board to levy a tax for the purpose of transportation. This bill would put Chicago on parity with all the other unit districts throughout the State of Illinois where they levy a taxes for the purpose of transportation. Currently in the City of Chicago we spend approximately forty million dollars annually for transportation but the State reimbursement is only twenty million dollars, and that additional money for transportation must come out of the Educational Fund. This bill will give the Chicago the right to fund mass transportation, at the same time give it the money to...to bus the students for special ed. as mandated by the State of Illinois. As I indicated, this bill is supported by the School Problems Commission and the State Board of Education, and I seek a favorable vote on...on Senate Bill 1253.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

I move the previous question,...Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

We have some speakers who have sought recognition. Senator Lemke.

SENATOR LEMKE:

I ain't got my button pushed.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Further discussion? Further discussion? Senator Jones may close.

SENATOR JONES:

Thank you, Mr. President. I...I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1253 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? (Machine cutoff)...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 23, the Nays are 31, 3 voting Present. Senate Bill 1253 having failed to receive the required constitutional majority is declared lost. Senate Bill 1257, Senator Jerome Joyce. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1257.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. We are dealing with a compact now in this State, a low-level radioactive waste compact, and what this bill does is set...would say that you would have to have a draft management plan on file before you dealt with a low-level radioactive waste compact. That would help the members of the General Assembly and the people of the State of Illinois greatly in...in trying to comprehend what we are now doing. It may not be in...in time, so to speak, to deal with the compact bills that we have before us right now, but then again, it may be because who knows whether...what will happen to those bills. So, it...it's...it's a very simple

thing. All it does is add one word, and that is, "draft." It's a draft management plan. I...there are not many of these bills around, I might point that out also. So, I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the passage of Senate Bill 1257. Discussion? Senator Grothberg.

SENATOR GROTHBERG:

Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Grothberg.

SENATOR GROTHBERG:

Senator Joyce, the word is out that we're going to clean this thing up. Is one of the areas that's going to be clarified then the fact that as long as we're in Com. Ed. territory up there, can they...will it be cleared up so that they can ship from their own plants within the area?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

...we got the wrong bill, Senator,...this is...that's the next one. This has to do with low-level radioactive waste, and...and it's entirely different. That's the next bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Macdonald.

SENATOR MACDONALD:

Yes, thank you, Mr. President. Senator, is this not inconsistent with what we agreed to do in your committee that and...and we held bill thinking...held it over, and were going to have hearings on the bill, and knowing how complicated the Federal mandates are to get some kind of action out of here by July 1st, will this not complicate to some extent what we are trying to do with the interstate compact which is certainly very, very complicated at best?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Senator Macdonald, I think this would...this bill would be more in line with...with what Senator...or Representative Currie has over there, although it doesn't do anything. It's...it's a vehicle to do a similar thing that Representative Currie is doing, doesn't have anything to do with the compact.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Macdonald.

SENATOR MACDONALD:

In other words, I...I understand that if Representative Currie's bill does not pass, then this would be the vehicle in the Senate to do the same thing. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor. Senator Joyce, if...if I'm not mistaken, isn't there a potential problem here in that if...if we adopt this...pass this bill, which would seemingly require a management plan, before any compact is adopted that...that we would be at odds with what we're seeming to do by...by adopting a management plan simultaneously, or simultaneous with rather than before the adoption of the compact?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

I can guarantee you, Senator, this bill would be amended before it would ever be passed to do anything.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen. Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Very briefly. The reason we have this bill in is because every state that's in the proposed twelve state...twelve mid-western state compacts is assuming that Illinois is going to be the recipient state, the host state for all of their low-level nuclear waste; and they are passing their legislation right now implementing this compact, assuming that we're going to take all of their waste with no guarantee in the...in the contract that...the management plan that's being worked out, with no guarantee that they will give us adequate funds for us to maintain this waste...repository, and we simply want to be able to have some input to say, look, folks, if you think you're going to play with us, you're going to pay and you're going to pay dearly. That's the only reason we've got this bill, and we...as Senator Joyce has pointed out, it's going to be worked on many times before it ever gets through in its final...this is not the final form at all.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce may close.

SENATOR JEROME JOYCE:

Roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1257 pass. Those in favor 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...58, the Nays are none, 1 voting Present. Senate Bill 1257 having received the required constitutional majority is declared passed. Senate Bill 1258, Senator Jerome Joyce. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1258.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This bill, Senator Grotberg, is the one we were...this is dealing with the spent nuclear fuel rods that are being sent to Illinois from other states. What we are trying to do here is line up Illinois' public policy so it is the same as the United States' public policy...expressed in the Nuclear Waste Policy Act of 1982. We have been working under the gun, so to speak, with this piece of legislation. Just a couple of weeks ago the Supreme Court struck down the law that the State of Illinois had regarding that. We are attempting to impose a moratorium on the storage or disposal of spent nuclear fuel until the director of the Department of Nuclear Safety in Illinois determines what the U.S. approved means for spent nuclear fuel storage is. When the director has made such a determination he shall notify the Senate President, the House Speaker, but the moratorium will continue until repealing legislation is law. And the state's attorney in the county of violation or the Attorney General may start action for the injunction and the court shall issue one upon proof of violation. We are still working on this, I...it is not perfect at this time. If we could send it to the House, continue working on it with the Governor's Office, with the Attorney General's Office, that is all I ask. If we cannot get something done, then we'll have to try again some other time.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...is there discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR RIGNEY:

You know, we had so many of these various nuclear bills through our committee that sometimes it was easy to get lost and then different things happen to them after they hit the floor. Is this the one that had that wild fee structure in it for receiving the spent rods?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce..

SENATOR JEROME JOYCE:

There was a fee structure in it, wild or not wild, but that's...that's been removed, and now we...we're trying to bring this into...bring the State of Illinois into conformity with the Federal Government's Nuclear Policy Waste Act and bring it in line with the last Supreme Court decision.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

Well, now, the only place receiving rods right now, I believe, is the Morris facility, that...that correct? Could you specifically tell us what's happened as far as the Morris facility is concerned, how will they be impacted by this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, presently, if this bill, when we get it worked out, it would pose a moratorium on bringing spent fuel rods into the Morris GE facility, and until the Federal Government comes up with a plan for a permanent disposal site of high level radioactive waste, there would be a moratorium on it, simple as that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

So, we're talking about something that apparently

could...could be many years down the road, we don't seem to be moving very quickly in this area. So, we are definitely...you know, affecting policy in the State as regards to that facility then, I'd have to make that observation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

...that is very correct, and...and you are also right that it may be on down the road many, many years. And with the Federal Government allowing Morris to be away from a reactor site, I can tell you, safely, that it will be many more years longer because the heat is off the Federal Government to find a spot for high level radioactive waste. If we, in the State of Illinois, don't keep the pressure on the Federal Government, they have from the time of the Manhattan Project in 1944, they have never found one single place, a permanent place, to put high level radioactive waste. So, if we, in Illinois, don't protect our borders, we will be a permanent temporary site until who knows when. That is why we're trying to work this out. That is why we're trying to keep the pressure on the Federal Government to come up with a permanent location for high level radioactive waste.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Yes, thank you, Mr. President and members of the Senate. Senator Joyce, the bill here mentions off-site storage facilities. Now, what is meant, in your opinion, by off-site storage facilities?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, that's one of the things we're going to have to correct in the House. It should be away from a reactor stor-

age.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson.

SENATOR HUDSON:

Well, my further question then would be, would your bill...would storage, say at Zion or Byron or Quad Cities, be off-site sites with respect to, say Dresden, or vice versa?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

That is not the intent of this legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson.

SENATOR HUDSON:

That is not the intent, but I'm afraid it might be the interpretation. And the reason I ask this is, if one reactor in this State wanted to empty its pool for any particular reason, say repairs or relining or maintenance of any kind, where would it, under the provisions of this bill, send the spent...fuel temporarily while this work was being done? It would seem that we need some ability of these nuclear facilities to, you might say, trade off in the event of shutdown or the event of repairs as I have described, some capability on their part to at least temporarily transport their spent fuel, empty their pools, and if they don't have that, I believe that we are seriously...handicapping, placing at a disadvantage, our nuclear industry here in Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Let me respond to that in this way, that is why we're still working on this bill, that's what we're trying to do and we're trying not to interfere with intrastate movement of spent fuel rods. Now, if there is a problem in Zion or

Dresden or wherever, presently, those fuel rods could be moved to Morris. If there was a problem, there is a big pool waiting to handle them. If we...we don't pass this bill, those fuel...that pool in Morris is going to be full of spent fuel rods from California and from Nebraska and places all over, and...and I believe they still...those fuel rods still belong to the people in the State of California, to their utility company, that will be put in there, or they'll still belong to the people in...in Nebraska, the fuel rods that...that come in there. You know, there...there is no real overall plan. The Federal Government has said that we are responsible for high level radioactive waste, but they've done a very poor job of telling everyone what...what the guidelines are....there again I say, if we don't keep the heat on them, they're never going to tell us what those guidelines are.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hudson. Your time is expired, Senator Hudson, if this would be your last question, please.

SENATOR HUDSON:

Alright, to the bill then, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright.

SENATOR HUDSON:

I appreciate, Senator Joyce, your explanation, particularly in regard to your concerns about out-of-state situations. I am concerned at this point with the in-State ability of our nuclear power facilities to handle the material, the spent fuel rods, that they have on hand, and it would seem to me that if we pass the bill, and I know that you've expressed your good intentions and that we're still working on the bill, and I appreciate your sincerity and I believe that you are, but it would seem to me, perhaps, ill-advised to pass a bill at this time with those imperfections in it.

And as I see it, the measure as it is now before us would, in fact, prohibit this kind of interchange of spent fuel rods within the State. Now, it may be that down the line this will be corrected, but that's the way the bill stands at the moment as I read it and as I understand it. So, for those reasons, Senator, I am...I am...I am going to have to vote No and I would encourage others to give this their serious consideration before they vote for the measure.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senator Joyce, I understand very much your...your concern in this area and I...I appreciate your position. I...I have some concerns about the bill and I...I don't believe the question has been asked, I've been in some other debate, but...but what really happens to the...to the existing contracts that we have now? I mean, there are...there are existing contracts and by Federal court order are...are...must...must be honored, as I see it, and...and if we don't, if we're saying here that those will not be honored, doesn't this subject us to just much more costly litigation, and with...and we're not really accomplishing, it seems to me, what...what Senator Joyce is trying to accomplish. My question, what happens to the contracts, a moratorium means no more...no more dumping?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Joyce...Jerome Joyce.

SENATOR JEROME JOYCE:

It means the public laws of this State would prohibit the contracts from being fulfilled.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Well...well, just to say, you and I both know that's...that's not realistic and...and I...I just don't think that's going to happen. I think this is an exercise in futility, and, again, I understand what you're attempting to do but I think it's just not going to work and just is not proper.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis and then Senator Geo-Karis. Senator DeAngelis.

SENATOR DeANGELIS:

Well, Mr. President, just rather quickly I would like to see two amendments put on this bill in the House. One is to create a landfill to put in all the mounds of paper we're creating on this issue without resolving any problems. And the second one is that we declare a moratorium on this type of legislation until...until President Rock and President Philip...and Minority Leader Philip at least get some people together to figure out what we're doing. We're dealing with an extremely sensitive subject. Most of us are totally confused, we don't know whether to vote Yes, we don't know whether to vote No, and for God sake, we ought to address the issue properly before we destroy all the trees of the world in paper work trying to resolve a problem.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis. May we have some order, please.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...

SENATOR GEO-KARIS:

Senator, do I understand your bill as amended, it retains language which prohibits the disposal or storage of spent nuclear fuel until there exists a demonstrated technology for

that disposal as determined by the department of the...director of the Department of Nuclear Safety?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And, in other words, the moratorium stays in place until the General Assembly and the Governor approves repeal of it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of this august Body, those of us who are very sensitive to the dangers of nuclear fuel, spent nuclear fuel, can well appreciate the passage of a bill of this nature, and I'm one of those who has a plant in my area. I think it's a good bill, I think it's a message that should be sent to congress and to others, and I think it's...it's a message that's necessary. We....the loss of human lives and the diseases in human lives occasioned by nuclear...nuclear fuels and so forth, as you all know, is far more important to us, and I...it seems to me that we should protect human life. I speak in favor of it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce may close.

SENATOR JEROME JOYCE:

Roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1258 pass. Those in favor 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 47, the Nays are 7, 1 voting Present. Senate Bill 1258 having received the required constitutional majority is declared passed. Senate Bill 1260, Senator Demuzio. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1260.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1260 is a bill that establishes procedures for the approval of the permit applications for the development of any new hazardous waste disposal sites or...and existing sites for which...which allow hazardous waste disposal to be disposed of for the first time. This Senate Bill 1260 was drafted by the Attorney General's Office, and it will open up the EPA's hazardous waste landfill siting process to public participation. Quite frankly, that's all that it does. It allows for the public to be involved in the permit process after the county or the Pollution Control Board or the EPA makes a final decision in the case of the...of siting. The provisions of this section apply to any permit for the development of any new hazardous waste site or any application to modify an existing site or facility which would allow hazardous waste for the first time. It would allow, also, a...the application to be made to the EPA, accompanied by proof that notice and a copy of the application had been served both to the Attorney General,

the state's attorney in the county of which the proposed facility is located, the county board chairman, each member of the General Assembly from which the legislative district in which the imposed...or proposed facility is to be located and the clerk of each municipality within three miles of a facility...of the facility's boundary. I don't know of any opposition to the bill, but I would be glad to answer any questions if there are any. If not, I move for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of the bill. I had a like bill and I held it since there's no sense duplicating bills and I...I certainly encourage your support of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

I think one of the things we need to clear up, Senator Demuzio, when we're talking about the so-called hazardous waste disposal site, is that the same thing as a regional landfill facility that takes hazardous material?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

I think we're talking about any hazardous waste facility that takes or accepts hazardous waste for the first time. If that regional facility or the hazardous waste site...has been license as a hazardous waste site, then it...I assume also that it would have to comply.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

I think it was a couple years back, and I think you were the sponsor of it, Senate Bill 172, I think, was the number of that bill, didn't at that time we establish certain, in fact, I think it was six different criteria that was...that the county board would actually determine the site of...of anyone seeking to establish one of these facilities?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

That is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

What is the need to go beyond that point then and...and to add the language that you're calling for here? Is...wouldn't all of those various objections have to be met in the course of a duly called hearing on that subject?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, with...with one exception to which the bill addresses, that once the county board has made its decision and forwards it to EPA, then EPA, if there's a...a problem or a modification or whatever after the public hearing process is held by the county board, once it makes its decision, let's say a modification, and that...and goes to the...I think back to the Pollution Control Board, then there is no public hearing at all, there's no public...participation at that point. That's all this bill does is allow additional public information after the EPA has made a decision on the landfill that there's a modification or a change or whatever.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

In other words, you're saying we're going to continue that dialogue now, if they modify it in any form or any way, we have to go through this process again. Do we bring up all of those considerations again or just the modifications that have been made by the Pollution Control Board?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

It's my understanding, just the modifications, that once the hearing has been conducted the first time at the local level, then the decisions at that point are made exclusively on the material that's entered into the record at...at...at...at that proceeding.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

Could they reject this for anything other than the six criteria, the local people?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Senator, I do not believe so. Let's assume for a moment that they do reject it for anything other than the criteria that's in...that was in 172. The county is still not the final determination in...in the siting question, EPA is still the...the determining agency.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Demuzio may close.

SENATOR DEMUZIO:

Yeah, I...I think that we're getting a little bit too far off the track here. All this does is open up the process and afford the public another opportunity to have its say in...in a siting question, and I would solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1260 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, 1 voting Present. Senate Bill 1260 having received the required constitutional majority is declared passed. Senate Bill 1261, Senator Demuzio. Read the bill, Mr. Secretary, please.

SECRETARY: ,

Senate Bill 1261.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

END OF REEL

REEL #3

SENATOR DEMUZIO:

Yeah, thank you, very much, Mr. President. I am told that a similar bill identical to...similar to 1261 passed out of the House yesterday 113 to something. What this bill does, Senate Bill 1261, it creates the calculated criminal disposal of hazardous waste. It provides that anyone who knowingly unlawfully disposes of hazardous waste which would place another person in danger of serious harm or would create an immediate or long-term danger to the environment would be guilty of a Class 2 Felony and a fine up to five hundred thousand dollars. It creates the criminal disposal of hazardous waste or makes it unlawful to dispose of hazardous waste and a...establishes a Class 3 Felony, a fine up to two hundred and fifty thousand dollars. It is a product also of the Attorney General's Office. We use the definition of hazardous waste by virtue of Amendment No. 1 to mean those that have been identified and pursuant to the Resource Recovering Conservation Act or by the pollution control regulations. We also provide that unauthorized use of hazardous waste that the treatment, transportation or storage of hazardous waste and violations of the permit or license required by law would be a Class 4 Felony and a fine of up to a hundred thousand dollars. Provides that the treatment, transportation or storage of hazardous waste without a permit or a license would be a Class 4 Felony, a fine up to two hundred thousand dollars. Transportation of hazardous waste when the transporter does not have on his person the said permit or the license which would cause for a Class A Misdemeanor, a fine up to a thousand dollars. And the reckless disposal of hazardous waste, which would be the disposal of hazardous waste with or without a permit or a license of the

disposal is performed with a conscience...conscious disregard for the risk that such disposal is a gross deviation from the standard of care that a reasonable person would exercise would provide for a Class 4 Felony, a fine up to fifty thousand dollars. Concealment of criminal disposal of hazardous waste which would be the unlawful concealment of hazardous waste when such disposal is in violation of this Act, if you conceal it your...you can be guilty of a Class 4 Felony and a fine of up to fifty thousand dollars. Any person who makes a false material statement in regards to a permit or a license application to treat, transport, store or dispose of hazardous waste would be guilty of and commit the offense of perjury and would be subject to a fine of...of up to fifty thousand dollars. There are several other violations of...in regard to the midnight haulers. I think that this action here would...is intended to bring about stiff penalties for the illegal...disposal of hazardous waste and to make the penalties that are contained in the Act, EPA Act, consistent with the Criminal Code, and the Attorney General's Office is...is in favor of this, and the Environmental Protection Agency is...is not opposed. I would answer any questions that they may have; if not, I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bloom.

SENATOR BLOOM:

Question.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Bloom.

SENATOR BLOOM:

Would you list the penalties again? I...I think they've been enhanced but I want to know how, 'cause some enhancements...some enhancements lead to overcrowding, other enhancements drain pocketbooks.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, there are three pages, let me briefly try to...to describe them...the penalties. Class 4...Class 2 Felony in fine of to five hundred thousand dollars for a person who...knowingly disposes of hazardous materials...Class 3 Felony, fine up to two hundred and fifty thousand dollars for...again, for the criminal disposal of hazardous waste which would be the unlawful disposal. Class 4 Felony, fine up to a hundred thousand dollars for a person who in the terms of treatment, transportation of the storage of hazardous materials are in violation of the permit or the license.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio. Senator Bloom.

SENATOR BLOOM:

Okay, I understand what you're trying to do and it is laudable; and basically, I guess what we're...by virtue of 1261 changing the State's social policy to a degree to include certain misuse of hazardous materials on about the same level as armed robbery or things like that. And I'm not...I'm not so sure that it's a bad idea, I'm just not so sure it's a good idea.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor. I...I believe, Senator Demuzio, that there was a rather broad grant of authority to the Attorney General under the original legislation. In fact, I think it would have gone so far as almost to have created a State-wide grand jury that we talked about a couple of years back. Now, do I understand that those powers have been modified by amendment, and just specifically what has...what is the Attorney General's role?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, any action that's brought by...under this section, shall be brought by the state's attorney of the county in which the violation occurred or by the Attorney General...or by the Attorney General, it shall be conducted in accordance with the applicable provisions of the criminal...Code of Criminal Procedure. We deleted the language in the amendment that allowed for the Attorney General to investigate, commence and try on their own motions suspected criminal violations of the Act. So, we put the...put the...the state's attorney back into the Act and he is...he is the principal and/or the person who can bring action against the potential violator.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney.

SENATOR RIGNEY:

Do you know of any case where the Attorney General...is there any loophole in here that would allow the Attorney General to come in under his own action...to proceed directly on one of these cases?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

I'm...I'm told that's existing language, and the answer to your question is, no.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rigney, had you concluded? Senators Sommer and...and Ladies and Gentlemen, if we could take some of our conferences off the floor, particularly those around Senator Demuzio, it would help our proceedings. Senator Sommer.

SENATOR SOMMER:

Mr. President and members, Senator Demuzio, could you clarify again the position of the Attorney General? There's no place, I think, in...in the law now where the Attorney General can on his own motion prosecute felonies. Now, what does your bill do exactly?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Sommer, I'm told that by virtue of the amendment that we've restored the existing language so that there was some question as to whether or not the Attorney General was going to try to establish a State-wide grand jury, or et cetera, or so forth, that is not in this bill. Specifically it says that any action that is brought under this Act can be...shall be brought by the state's attorney of the county in which the violation occurred or by the Attorney General.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Well, Senator Demuzio, you've just said the action can be brought by the Attorney General, you're prosecuting felonies here, Class 2 Felonies.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer, was that a...

SENATOR SOMMER:

Well, I...I guess I reiterate the question. He says in one...one hand that the Attorney General can't initiate the action; and on the other hand, he says they can in the same breath. This did not go to...before the Criminal Judiciary Committee and, therefore, we simply don't have any concept to what's going on here.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. During this lull, I just want to remind all the Senators that very early this morning we gave leave to

film the proceedings and we are being filmed by nearly everyone, so, please be advised. Senator Demuzio.

SENATOR DEMUZIO:

Yes, Senator, the...on page 21 of the bill, and the way I read it, you are correct. It says that any action that's brought under this section shall be brought by the state's attorney of the county in which the violation occurred or by the Attorney General and shall be conducted in accordance with the applicable provisions of the Code of Criminal Procedure of 1963, approved August 14th, 1963. So, in my response to you and I think my corrected response to Senator Rigney, he...he can on his own thereby if the...if he wishes, without the state's attorney, can, in fact, bring his own case.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Then, Senator Demuzio, you're talking us by reference to the Code of Criminal Procedure, we're establishing a State-wide grand jury for the Attorney General for the first time in this State, is what you're telling us.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm told that, not being a lawyer, but I'm told that this is already in to reference by the EPA Act and he could already do it if he so desires.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

How about Senator Sangmeister? Do you want to speak on this?

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well,...the...my...obviously, my interest has been peaked, Senator Demuzio. I don't think if...we want to do what...what this bill may do if that's the case. I don't think that the...and I'm not positive, but under the...the enforcement provisions by the Attorney General of the EPA Act, I don't think he has a right to prosecute, and I understand you're establishing felonies in here, is that correct? Well, in that case, you are giving awfully broad powers to the Attorney General and my philosophy on that has always been that, you know, these rights belong with the state's attorney. I would...if you're going to move this out, I...I would certainly like assurances that you're going to strike that out of the bill...what about the House bill that's coming over? Is that identical? Has that got that language in it, too?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

I'm told that it is almost identical with some minor change which does not relate to the subject the way we're talking about.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I'm very much interested in the subject matter of this bill and I...something ought to be done in this area, but I...I must say to you that...I think this is far too broad to open this up for the Attorney General State-wide.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, just to...to make sure we clear the record here, I don't think there's any question that this establishes a State-wide grand jury. I mean the language is very explicit

that the Attorney General would have prosecutorial powers and could commence in a...a grand jury investigation and a subsequent indictment for these alleged offenses. So, I...there's no question about it, Ladies and Gentlemen, and I don't think we want to do that, I hope not anyway.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...discussion? Further discussion?
Senator Demuzio.

SENATOR DEMUZIO:

Well, in response to Senator Sangmeister, the sheet that I was just handed indicated that by virtue of House Amendment No. 2, they deleted new language that related to the powers of the Attorney General to investigate and prosecute criminal offenses under the Act, restores existing language relating thereto. It is our intent to leave the language as it is currently in reference to the EPA Act and if it's not along those lines, I would be glad to modify it in the House, and if there's any question about a State-wide grand jury or his...expanded powers, I would be...glad to have...to discuss that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, let me get this clear. Now, let's talk about the House bill that you're talking about. You're saying that this bill is different from the House bill. They took out the Attorney General's powers in the House bill, is that what you're saying?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, judging from this computer printout that I have here, it indicates that there was some modification. It deleted the language that related to the...to the

State...Attorney General's power to investigate on a State-wide basis. I had assumed that our amendment did the same. There may be some differences between the House and this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I'll go along with the bill, but I want absolute assurances that the Attorney General's going to have no authority over these...these particular crimes. You know, it's only my vote that I'm talking about, but if you want mine, why you're going to have to assure me that that's not going to be in this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Why don't you take it out of the record.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

That's fine that he takes it out of the record but, Senator Demuzio, I don't want to be accused after a while if we don't get back to this bill, now, that I killed your bill. So, fine if you want to take it out and clarify it, but I don't want that responsibility.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Take it out of the record.

PRESIDING OFFICER: (SENATOR BRUCE)

Take it out of the record. Is there leave to get back to 1262 in a moment? Leave is granted. 1263, Senator Weaver.

SECRETARY

Senate Bill 1263.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This refers to little IDA. In...in the present Statutes there is a prohibition to...issuing revenue bonds for commercial projects to one-third of the bonding authorization. Since the passage of the Tax Equity and Fiscal Responsibility Act of '82, which prohibits revenue bond use for certain projects such as restaurants, car dealers and et cetera, there's no need for this but there's a supposition by the board that this does limit them in some areas of commercial development such as coal and grain loading facilities, warehouses and distribution centers, and so, I'm asking that...that this be stricken and I know of no objection.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1263 pass. Mr...Senator Rock.

SENATOR ROCK:

Well, thank you, Mr. President. I don't want to delay things, I was rising in support of 1263. In the committee there was some question, frankly, raised by me as to the definition we're expanding, obviously, the opportunity for a business enterprise to include commercial, and my...I wanted to know...I wanted to be satisfied that the definition of commercial did not, in fact, include such things as fast food restaurants, and I have been assured that under the Federal law, I've been assured by Senator Weaver, they are not included, and I would be delighted...and ask the support of all the members.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1263 pass. Those in favor vote Aye. Those opposed voted Nay. The voting is open.

SB 1264
3rd Reading

Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1263 having received the required constitutional majority is declared passed. Senate Bill 1264, Senator Watson. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 1264.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Current law excludes drugs for which a prescription is required under Federal or State law from the definition of a look alike drug. We had the look alike drug legislation this past Session, and this bill removes that exclusion; however, we did put an amendment on the legislation which satisfied the Pharmaceutical Manufacturers' Association and they no longer oppose the legislation. We also have in the...in the legislation that currently possession of certain levels of Scheduled 1 and 2 drugs is a nonprobational Class 1 Felony. Manufacturer or delivery of lesser but significant amounts of the same drug is a probational Class 1 Felony. What we do here is also now making the manufacturer delivery of a designated control...substance nonprobational. We amended the bill to also include...or take Quaaludes from a Schedule 2 to a Schedule 1. Quaalude has very limited medical value now and is one of those drugs that's highly abused, so we are taking it out...out of the drugstores. I know of no opposition and would appreciate a favorable roll call, or I'll answer questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Just briefly, with respect to the Quaalude part of the bill. A subcommittee of the Dangerous Drugs Commission or Advisory Council has already made the recommendation that it be moved to Schedule 1, that has not yet been acted upon by the full commission, although I think it is anticipated that that...it will be acted on affirmatively. So, this is certainly not inconsistent with Dangerous Drugs Commission or Dangerous Drugs Advisory Council policy, and I would support Senator Watson's bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Watson may close.

SENATOR WATSON:

...I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1264 pass. Those in favor vote...will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Terry. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1264 having received the required...constitutional majority is declared passed. Senate Bill...is there leave to return to Senate Bill 1262? Leave is granted. Senator Bruce on Senate Bill 1262. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 1262.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. If you think you've seen this one before, you have. We have passed this bill twice out of the Senate by votes of more than fifty. It has been bottled up in the House twice. I believe that we have solved the problems with the House. As you know, when we passed the corporate personal property tax bill we put in two provisions. One, that there would either be two pots; fifty-one/forty-nine split between upstate and Cook...or between Cook County and the rest of the counties, and in addition to that there would be a hold harmless clause. In the intervening time between the passage of the personal property tax in 1979, the Department of Revenue has taken the attitude that the split of the hold-harmless is before the money is divided into two pots. The problem has developed over the long period of time that the amount of money in the Personal Property Tax Fund that we thought would grow has been, in fact, declining. And it declined last year, in 1982, Calendar Year, by a hundred and thirty-five million or about twenty-five percent. It will decline by an additional twelve million dollars in Calendar Year 1983. There have been complaints by several districts. What this does is to restore the hold-harmless clause device of a hundred percent of the 1978 personal property tax collection. Now, the...amendment put on is the one that I think solves the House's problem, and that is the division is after the money is divided into two pots. As you know, there have been some losses and some gains where the losses have occurred. The...the losses have been dramatic. Where the gains have occurred, they have been approximately seven percent. So, this bill will go over to the House. I think that it's fair to say that we will be also be negotiating with them in the coming weeks and months to see whether or not this is going to meet with their approval this time, but I would ask for a favorable vote to ship it over there and begin the process again of trying to

get equity between the various personal property tax collectors in the State of Illinois in getting their fair share of the replacement tax.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR ETHEREDGE:

Senator Bruce, I understand that there is no impact on State revenue as a consequence of the enactment of this piece of legislation, but there is some movement of...of dollars. Who wins and who loses as a consequence of the enactment of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

...Senator Etheredge, you may recall or perhaps you don't, we had a printout of all seven thousand taxing districts available. This bill is supported by the Department of Revenue. I met with officials from the House last evening, they assured me that once this bill goes to the House they will, in fact, take a look at it, make another printout that is correct. We're going to attach an amendment on it in the House of some nature so that we will all get a chance to take a look at the printout and the bill before it becomes law to see who the winners and losers are. To generate that is a substantial problem. The...the printout, I would say, was almost three-quarters of a foot thick for all the seven thousand taxing districts. We are generating that. This bill will be back before this Body again, I promise you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Senator Bruce, could you...I'm having a hard time picturing what that amendment might look like. What...how do you see that amendment being drawn to accomplish the objective?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

All we're going to do is attach any amendment in the House. What I'm saying, this is not the last time this Body will vote on this bill. It will be amended in the House if we just have to take out a period to make sure that we have a chance to take a look at the printout. There are winners and losers, and I want everyone to know...where the losses have occurred they are substantial; where the winnings...where the winners are, the winnings are only about seven percent. So...I want the Body to have a chance to take a look at that whole printout before we make a final determination on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator...Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR LECHOWICZ:

How does this bill affect Cook County?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

No loss at all. As you...as a House member, you may recall that before this...the amendment was put on, that has

been the problem in the House that it shifted money from Cook County into some of the downstate areas. We've placed an amendment on this bill that says the two pots will be exclusive, and so the Cook County money will stay in Cook County and the downstate money will stay in downstate...after we passed this bill, the Department of Revenue took the attitude that the hold-harmless clause applied before the division of the money into the two pots. We've now given that by Statute, and I think that corrects a problem that we had with the Chicago legislators over the past two years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

It does correct that problem, but the...where would this money come from, the General Revenue Funds?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

No, not at all. This is all the corporate personal property tax money. It has no impact at all on the State of Illinois, its revenues; it has an impact only on the units of local government who receive funds from the CPPT Fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Berman.

SENATOR BERMAN:

When...will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Berman.

SENATOR BERMAN:

Terry, in your answer to Senator Lechowicz regarding Cook County, what's the affect on; A, school districts in Cook County outside of Chicago and; B, the Chicago Board of Education?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Right...part of the difficulty, Art, is we do not have the printout yet based on the amendment. It will take, I would say, two or three weeks to generate the amendment or to generate the...the printout. And I am assuring every member here that we will get a second look at this, you can see what it's going to do, they...I met with them last evening, they said they were in the process of getting it started.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, is there any further discussion? Question is, shall Senate Bill 1262 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 52, the Nays are none, 3 voting Present. Senate Bill 1262 having received the required constitutional majority is declared passed. Senate Bill 1266, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 1266.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senate Bill 1266 amends the Fiscal Year '83 appropriation of the Department of Rehabilitation Services by transferring a hundred and seventeen thousand dollars...nine hundred dollars among various operational lines. It's a transfer bill. No additional funds are requested, and I'd ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Question is, shall Senate Bill 1266 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1266 having received the required constitutional majority is declared passed. Senate Bill 1273, Senator Watson. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 1273.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is commonly known as the...the pick-up bill...pick-up truck bill. The Amendment No. 1 is actually the bill now, and it states that vehicles registered for up to and including eight thousand pounds, other than school buses and medical transport vehicles, shall be subject to test at least every...every twelve months...legislation says every twelve months. As it is now, it is every six months. As a result of this legislation, the following types of vehicles will be subject to only once a year rather than every six months inspection. That's mini-motor homes...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator. Could we get some order? Senator Watson.

SENATOR WATSON:

As a result of this amendment, the following types of vehicles will be subject to once a year rather than every six months inspection: mini-motor homes, certain recreational

vehicles, pick-up trucks, van-campers and rancheros. This is eight thousand pounds or less. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any discussion? Senator Chew.

SENATOR CHEW:

Mr. President, this bill came through the Committee on Transportation. We had testifying in opposition to the bill the Motor Vehicle Safety Council. I suggested to those persons representing that organization and the sponsor of the bill, to get together and work out their differences. I understand a meeting was called with the people of the Secretary of State's Office, the sponsor and the organization that was in opposition to the bill; and through some uncontrollable circumstances the sponsor of the bill could not be on time. What we are concerned about if this bill goes into effect, we lose a great deal of Federal funds. The semi-annual inspection is something that should be retained because there's a safety factor involved. Nationwide approximately eighty-four percent of all truck fatalities were in the light-duty truck line and these are the ones that the bill... this bill would eliminate a semiannual inspection. We did not have in this meeting one owner of any pick-up trucks, fleet or individual to testify for this bill. We have subsequently contacted some individual owners and they are in favor of maintaining the kind of inspection that we currently have. In fashioning legislation here, we want to be as helpful as we can to not only the government agencies, but the industry that "has some interest in it," and from the time that we left committee hearing, nothing has been resolved. I believe from the side over there, the question was asked of the sponsor, if this resolution is not solidified to the satisfaction of all, would you still call the bill? The sponsor said he would. Which is to say that there could very

well have been a prejudgment made that the consumation of an agreement was not possible with that attitude. I feel very strongly that this bill is not necessary from a safety factor and a loss of Federal funds. It's just for those owners of pick-up trucks to be inspected...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

I'd like for the Senator to identify what Federal funds we'll be losing by adopting this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Chew.

SENATOR CHEW:

The Federal funds that we will be losing is the lack of...I believe it comes into five hundred and thirty some thousand dollars. In addition to the general impact of reducing safety, the bill would result in a loss of road fund revenue of approximately five hundred and thirty thousand dollars per year. Now, that's from the Federal Road Fund information and that is an absolute fact. If you put them on an annual inspection schedule, we lose that five hundred and thirty thousand dollars. This may very well be a promise to be fulfilled at some earlier date, but as far as serving the public, it's bad; as far as losing the road funds, we will certainly lose them, that has been properly researched and no one can deny it. The bill should either go back to committee until a workable plan is agreed upon or it should be voted down. It is not helpful to the safety of these kind of vehicles on our current highways, and I will furnish the Senator with the information that we have on it. It's a bad bill and I'd ask that it be killed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, Mr. President, these are not Federal funds. These are dollars that are derived from the sale of the stickers for the pick-up trucks, simply that. There's about a million vehicles involved and then, naturally, it's going to end up it's about fifty cents or sixty cents a sticker, and that's what's affecting the Road Fund; these are not Federal dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Further discussion? Senator Watson may...may close.

SENATOR WATSON:

Well, thank you, Mr. President. I think I addressed Senator Chew's concerns and I hope that the Assembly here realizes that we're not talking about Federal road dollars. Those were strictly dollars derived from the sale of the stickers that we have to supply the pick-up truck owners. A lot of the concern that we've heard from the safety lane people...inspection people...the special interest group that opposes this legislation is in regard to safety, vehicle safety. And I want to just point out that I have information here from the National Safety Council of 1982. It's a survey of vehicle inspection programs from throughout the country that, "In 1982, traffic deaths that resulted in one hundred million vehicle miles out of the states that are in the top ten in traffic deaths, seven of them have some form of vehicle inspection." Now, I want you to realize that there are only twenty-three states that now currently have some form of vehicle inspection. As a result of these national trends and the information that we...we've been able to gather, since 1979, nine states...nine states have abolished their programs and one...extended the time of...of inspections from one year to two years, the very thing that we're wanting to do. We are not wanting to abolish the program. We are wanting to go from an every six months inspection to an annual inspection.

I think statistics prove us that the concerns that the...the vehicle...the lane inspectors have tried to address to us about the safety is...is erroneous. Of the twenty-three states which continue to require vehicle inspections, only seven call for two tests per year, and Illinois is the only state which requires inspection of trucks but not for passenger cars. The...the Dealer Advisory Committee supports the legislation, representatives of used and new car dealers have endorsed and advocated the bill, consumers and law enforcement. One of the previous Senators mentioned about the fact there was no one there to testify on behalf of the bill. That's what we're here to do, we're here to represent the people. The special interests were there, and I don't think that government and we, at the State level, should mandate on the people of our State a costly inconvenient law which has limited value. There's been the economic situation that the special interests have brought up. They say we're going to be closing all these lane inspections. There will be some economic impact, but I don't think at the level in which they...they derive. Most of these lane inspectors are car dealers or gas stations and have some other form of support. So, I think, again, that this is an erroneous statement and erroneous approach. I...what are our neighbors doing? Indiana has repealed the law. Kentucky has repealed the law. Wisconsin has what is called a random inspection, so has Michigan. Iowa has a one-time inspection just when the vehicle is...is sold. And Missouri has an annual inspection which is the same as what we're trying to derive here. Remember, we're not eliminating the program. We're going to an annual inspection instead of every six months. I would appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 1272 pass. Those in favor will vote Aye. Those opposed will vote Nay.

The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the...take the record. On that question, the Ayes are 30, the Nays are 27, none voting...1 voting Present. Senate Bill 1273 having received the required constitutional majority is declared passed. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

I'd ask for a verification of the positive votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Chew has requested a verification. All members be in your seats. The Secretary will read the roll of the...of the affirmative votes.

SECRETARY

The following voted in affirmative: Barkhausen, Becker, Bruce, Buzbee, Carroll, Davidson, Degnan, Etheredge, Fawell, Friedland, Grotberg, Hudson, Jeremiah Joyce, Keats, Kustra, Macdonald, Mahar, Maitland, Marovitz, Netsch, Philip, Rigney, Rupp, Savickas, Schaffer, Schuneman, Sommer, Vadalabene, Watson, Weaver.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR CHEW:

Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce on the Floor? Senator Jeremiah Joyce on the Floor? He's at the back of the room.

SENATOR CHEW:

Senator Netsch on the Floor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch on the Floor? She is right behind you in...

SENATOR CHEW:

Senator Howard Carroll on the Floor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR CHEW:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR CHEW:

Satisfactory, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay, on this question, the Ayes are 28, the Nays are 27. The roll call has been verified...the rolls...the Ayes are 28, the Nays are 27, the Presents are 1. The roll has been verified and Senate Bill 1273 having failed to receive the required constitutional majority is declared lost. Senator Johns, for what purpose do you arise.

SENATOR JOHNS:

Okay, Mr. Chairman, to the Democratic Party, it's that time...time for a caucus in the President's Office, immediately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. It should only take about ten minutes. I would ask the members to please get in there and we'll be right back out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

There'll be a Republican Caucus in Senator Philip's office immediately, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Same ten minutes? Senate..Senate will return at the call of the Chair.

RECESS

AFTER RECESS

PRESIDENT:

On the Order of Senate Bills 3rd Reading, top of page 11, Senate Bill 1298, Senator Philip. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1298.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is rather a simple bill. Evidently some of our county treasurers, because of mechanical problems, fail to send the tax bills out on time. This would, in those cases, give those people an extension of ninety days to pay their tax bills. How could you pay your tax bill if you didn't have it on time and, of course, you pay the penalty. I'll answer any questions. I ask for a favorable roll call.

PRESIDENT:

Any discusson? Is there any discussion? If not, the question is, shall Senate Bill 1298 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1298 having received the required constitutional majority is declared passed. Senator Bruce or somebody.

PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill 1300, Senator Rock. Read the bill, Mr.

Secretary, please.

SECRETARY:

Senate Bill 1300.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1300 is an amendment to the various Election Authorities Enabling Acts, Articles IV, V, and VI covering downstate, Cook, DuPage and the nine election jurisdictions that are under the authority of a board of election commissioner, and it provides, for the first time, for the possibility of registration by mail. The election authorities will have developed a worksheet, and registration form, and an affidavit which has to be signed by the prospective...otherwise eligible voter. It calls for that form to be witnessed by one who resides in the precinct already. The affidavit must be signed and verified and then the election authority is called upon, as they do currently, to have a personal canvass in-precinct to, in fact, verify the eligibility and the personage who has registered by mail. It also provides that any registered voter can utilize these forms. And what we are trying to do, frankly, twenty-one other states have some form, some variation, of registration by mail, and I do not wish it to be called post card registration because...if you read the legislation, it is truly a lot more than a post card. What we are attempting to do, it's been conservatively estimated that there are as many as upwards of a million people in our State who for one reason or another find it inconvenient to personally take themselves to the election authority or avail themselves in our county, as we have in-precinct registration, but for one reason or

another they don't, and what we are trying to do is make sure that all those who are eligible to vote are, in fact, registered. I have had long discussions with many of the election authorities. Some of the county clerks, frankly, were a little apprehensive about this. I think most of those fears have been allayed by the personal...in-precinct canvass which is directly under the jurisdiction of the election authority. This legislation will afford, we hope, the opportunity for each and every eligible...otherwise eligible person in our State to, in fact, become registered to exercise their most precious franchise, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It certainly is a...precious thing to be able to be registered and to vote. During the last primary in the City of Chicago, we saw more unregistered people voting, more fraud in voting than we've ever seen in the history of the State of Illinois. It is easier in the City of Chicago to register to vote than it is to get a library card, and to think we're going to let people register by mail is absolutely ridiculous. That affidavit is only as good as the person signing it. You won't know if they're an American...citizen, if they're twenty-one...eighteen years of age, and it certainly is a gigantic step in the wrong direction, and I would certainly hope we'd see a lot of red lights up there.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It is with reluctance, because I have so much respect for the sponsor of this bill, to have to urge your No

vote. You can, under this legislation, pick up the telephone and call in and ask to have an application sent to you. There are a number of other in...in the amendment, which struck everything after the...enacting clause, there are a number of other provisions of this bill that I think are almost unenforceable and unadministrative...possible. I...I just feel, as Senator Philip does, that this is a step in the wrong direction. The motivation is certainly right. We want every person possible to be registered that...that can vote, but...in a mobile society where there is so much moving, to be able to open up what could be potentially the greatest fraud we've ever seen, particularly in Cook County, I would urge a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Kenneth Hall.

SENATOR HALL:

Thank you, Mr...Mr. President and Ladies and Gentlemen of the Senate. To exercise your franchise is one of the greatest things that's given to you in this country today, and when I think of the number of people who are denied the right of that franchise, everybody should be given a chance and a right to vote. I'm a strong proponent of...at every graduation of high school children, if they're eighteen years of age, there should be a register sitting right off of that stage, as when they receive that diploma they walk over and register along with this thing. We need to have full participation. When you think that in the last elections of the President, and the election before that, and the election before that, we get less and less people participating in the electoral process. This is going to afford an opportunity for many people who would be denied that right. I urge everyone to please put a green light on the board.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The basic premise of encouraging registration, I think, is something that we ought to do everything we can to encourage. There is, of course, the lingering concern about fraud, and that is not anything that anyone wants to encourage, although I would suggest to Senator Philip that if you think the...the last primary in Chicago was something, you sort of hadn't seen anything before. There used to be considerably more problems than that. But, I think the...the thing that is important is the extent to which there are safeguards in Senate Bill 1300. I know you did review the terms of the bill in that respect generally, Senator Rock, and I wonder if you might either in response to a question or your...in closing, review again the safeguards that are going to prevent any wholesale fraud of the kind that has been suggested.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Yes, I will be happy to outline. There are at least four or five provisions that were specifically included to obviate any possibility of fraud. I'll be happy to either do it now or upon closing, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

Well, first of all, Mr. President, I would like to be shown as a cosponsor of Senate Bills 1300 and 1301. I always get a little...I think it's always humorous when I hear my friends and colleagues on the other side of the aisle talk about the vote fraud that goes on in Cook County and Chicago, I'm sure that there is some. However, if any of you have ever been in some of the small rural downstate counties where there are Republican county clerks, Representative Clyde

Choate used to have a bill in almost every Session which called for re-registration everytime because in some of those counties there were more registered voters than there was total population in the county, and this is not something that I just made up. It was the actual fact. We used to have in one little county, that's now in Senator Johns' district, there was one little county there where people who had been dead for twenty years still showed up to vote on election day or voted absentee, and...and...and, you know, there has been so much of that kind of thing going on and in some of these small little counties for a long time, that I always find it humorous when Cook County gets all of the brunt of all of the bad publicity about voter fraud, and yet, some of that sort of thing has been going on for a long, long time. Obviously, it's not as prevalent now as it used to be with the use of the voting devices and so forth, but there are all kinds of good stories about the way voter registration was...was done in some of those counties. I think this is a good idea. This is America. This is democracy. We...a lot of us like to rail about participatory democracy but still we put up all kinds of barriers to keep people from participating. I think it's time we removed those barriers, and I commend Senator Rock for his...for his efforts in Senate Bills 1300 and 1301. I think it's a good idea.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have the utmost respect for the sponsor of this bill, but I also feel that being an American citizen is a right and a privilege, and if the individual does not want to exert himself or herself a little more to go ahead and register at the proper offices and needs to have post card registration, I think we're in a sad state of affairs. I feel that this is

wrong. I do not feel that we should encourage an American citizen to be lazy and derelict in his voting rights and...and registration by simply making it so easy, because I'll tell you something, the only ones who are going to benefit are the power groups, because the ordinary citizen who doesn't care to go and register, even if you give them post card registration, probably won't show up to vote anyway, and I think it's wrong to make it that easy. I do feel that the privilege of American citizenship...entails responsibilities and duties, and one one of the duties and responsibilities that we should have is being interested in registering and voting.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns.

SENATOR JOHNS:

Well, like another bill I can recall, I put my name behind this bill and I asked the Senator Rock if I might because I believed in it. People come into my office and they're not registered to vote, yet, they're seeking our help in soliciting all the information that they can from the State, and I find that many times they're not even registered. They're scared to go to the courthouse 'cause they're afraid of divulging something or getting into a trap there. I think this is a good idea because a lot of the little people, and I'm talking about the rank and file, will get a chance to register to vote and...and take care of one of the most sacred things that we have. And I think that probably the fears on the other side of the aisle are based on the fact that there will be a huge turnout of people registering to vote. It should be easy; it shouldn't be very difficult to register to vote if it's such an important duty. It should be easy especially to those that are afraid and timid and have no spokesman for them, and I encourage a lot of green votes. I'm going to support this measure to the

fullest.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

I wasn't going to speak on this and something came up that I just think we all ought to think...ought to think about. We're all talking about vote fraud for a minute. Forget the vote fraud. Vote fraud is not the issue. Virtually no one alleges that registering to vote is difficult. One comment was made earlier, kidding, but it's...but it's serious, it's easier to get...it's easier to register to vote than it is to get a library card. You may remember on the national level when they talked about post card registration, the utter mockery that was made of the system because it simply is so difficult to figure out what's going on. There is no one alleging that it is hard to register to vote. You can walk in almost any day, there's special precinct registration days, the opportunity to vote is there. The problem in America is not that it is difficult to vote; the problem is that for one reason or another the people are dissatisfied enough that they choose not to vote. Every poll shows that the majority of the people not voting did not vote simply because they could not find the poll or they forgot about it, they chose not to vote. The problem is not that they can't register; the problem is completely different. I think today, and I appreciate the sponsor's effort but, Phil, I think you found a solution to the wrong problem. The problem is not registration; the problem is voting. Plenty of people can register if they want to, they choose not to vote, which says something that we may all guess.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. If you go through a downstate

county and walk through neighborhoods or go out in the country and you'd run into people all the time on weekends when you are campaigning that are not registered to vote. Now, these people are not lazy and they're not un-American, but they have jobs and they're working. Some of those counties make it so very difficult to vote or to get deputy registrars, that if there's not a precinct committeeman there, it's virtually impossible for them to vote. They have to go to the courthouse during the five-day work week, and it's just almost impossible. I think that this would give them an opportunity to exercise their right as a citizen and it would...as a democratic citizen, as Dawn says, but we've tried in...in Kankakee county, and I'll name the county, we've tried to get a voting booth at the fair. Oh, no, you can't do that. We tried to get one anyplace there's a public function going on; no, no, we can't do that, we just...we don't do it. Well, that same county, you talk about vote fraud, that same county in a black precinct in this last election, there were fifty absentee ballots turned in, not a single one of those black...people in that black precinct voted for Roland Burris. I thought that was a very interesting coincidence. So, vote fraud is not only in the northern part of the State, folks, it's all over and this is not going to help vote fraud in the least, but it's going to give an opportunity to people who are working and earning a living who can't get to the courthouse; it's going to give them an opportunity to get voted...registered and be able to vote. So, I would certainly urge an Aye vote on this measure.

END OF REEL

REEL # 4

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. I have the following Senators, in addition, have requested: Senators Mahar, Nedza, Barkhausen and DeAngelis. Senator...Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. Senator Rock, in committee I think we talked about verification, and that was something that a lot of us are very much concerned about. As I recall, you said that after a person was registered, somebody was to come around to verify that person. Is that still in the bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Yes, it is. Not someone, an official from the election authority would appoint two canvassers to go around and verify, in fact, every registration by mail.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Now, that brings up two questions. One, is the time spent because we are talking about a very short period of time, and number two is the cost. Can you address those two points?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Certainly. No additional cost because, as you and I both know, there is an in-precinct canvass after the close of registration twenty-eight days prior to an election. These two people are just, in addition to their regular canvass

duties, also going to make a special effort, have a special form, to verify the presence, the personage of the person who registered by mail, so there is no cost. And the timing is right within, is right insync with the existing schedule. If I send in a registration by mail, it must be done thirty-five days prior to the election; and then twenty-eight days prior to the election, as we all know, is the last day to register, and subsequent thereto, the election authority sends out the canvassers to verify, so that we can have a poll sheet for election day. All that is in this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Some of the remarks that I was going to make, Senator Rock has already addressed them to...himself to. There are viable arguments in...all of the previous speakers. The only thing that I would like to add is, is that you were gracious enough earlier this morning to pass out Senate Bill 1-2-3-4, 1234 that was providing for the in-precinct canvass. I would think that with all of these election bills that we have before us now, run them out and let the Governor's wisdom decide which one he would sign, so therefore, I'll support this, also.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, a quick question and a comment. Senator Rock, I don't mean to be facetious in asking whether if the technology were available, whether you would support giving citizens the right to vote from their homes by telephone or computer terminal, or by whatever technology may become available in the future, on the grounds that to require people to go to the polling place discourages

and provides a disincentive to participation in our electoral system?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, I have learned early in life in this business never to say never. If the technology is such...such that it can be adequately secure and verifiable, perhaps. Why not?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, quickly to the bill, as has been said by some of my colleagues, I...some of us take issue with the notion that people ought to be begged or brow-beaten into registering to vote. I think there ought to be an incentive there. We ought not to insist that those who...who have no interest in our political system, who don't follow what's going on somehow participate in it and thereby cast potentially uninformed decisions. I am not aware of the hurdles or obstacles to registration that people say exist, and if they exist, I think we can require certain things of the...of the county clerks to enable registration at some of the public events, for example, that Senator Joyce was talking about. I think this is...is too sweeping a change; I think even with the safeguards that are allegedly contained in the bill, it's an invitation to fraud, and I urge opposition to the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I, too, was not going to speak; however, I'm...I brought to recall that in my first Session of the General Assembly, the very same people who are now advocating this tremendous registration, or open regis-

tration, are also the...very same people who adamantly opposed lengthening the voting hours.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Davidson. Senator Rock, I believe you're about to close. Further discussion? Senator Rock to close.

SENATOR ROCK:

Allright, thank you. I voted to extend the voting hours. Now just...for goodness sake, so did a lot of people on this side of the aisle. Let me just say, I am sorry that Senate Bill 1300, which I really think is a...a good progressive piece of legislation, has somehow developed into or devolved down to some kind of political fight, or partisan issue. It really ought not be. As a matter of fact, I was happy to announce that I am on the mailing list for the Republican National Committee. Somehow I got on that one, and in their March issue they implored, as a matter of fact, the members of your party to take a long hard look at mail registration because...and utilize it, because it was working so well in the twenty-one other states that have it. I might also say that the United States Attorney for the Northern District of Illinois, who does not share my political philosophy and is not a member of my party, was quoted as saying that the last election was one of the cleanest in the history of the City of Chicago. Those kinds of charges, I suppose, can be thrown around rather willy-nilly. This is the work product of...of a number of groups and people that are interested in affording everybody the opportunity to vote, the League of Women Voters, Common Cause, AFL-CIO, have I struck a receptive cord over there yet? No, I guess not. Well, in any event, there are a whole list of civic and fraternal and other organizations that really think this is a good idea and, frankly, so do I. And it's not a question of bludgeoning someone who is otherwise reluctant to have them exercise their franchise.

What we are suggesting is that perhaps it is not difficult. If you move into Oak Park, you can register, and my letter is in the Welcome Wagon kit telling people how they can get registered, you can go to the township office, or the village clerk; or if you work downtown, you can go to Mr. Kusper's office, this will afford just another avenue. It will say that we can provide by mail the opportunity for you in Oak Park to register, and I think that's a good thing, because it's verifiable, and as Senator Netsch pointed out, we have built in, at the request...I was at the committee hearing, I heard what some of these county clerks said and, frankly, a couple of them I was ashamed of, they sounded like it was...it was almost infringing on their rights that one would really want to get registered. We've got enough registered; we don't want to spend any more money. But in the...purview of this bill, it includes a warning statement on the worksheet that's sent to the applicant that anyone who makes a false statement is guilty of a Class 3 Felony. That's the current penalty for perjury, I'm sure you're aware. It requires the applicant's signature on the affidavit to be witnessed, and witnessed by whom? by a registered voter from that precinct. It requires the election judges, those deputized by the election authorities, prior to an election to verify in person the eligibility of every mail applicant, m-a-i-l applicant, and...explicitly extends to mail registration all the provisions in the existing law regarding the canvassing and verifying of registrants and the erasure of one's name from the registry. And it requires applications that are returned as non-deliverable to be immediately out-of-hands summarily rejected by the election authority. What we are attempting to do, Ladies and Gentlemen, I don't think is a partisan thing at all. I think it's an exercise in good government because we are suggesting that if you find it difficult, for whatever reason...and I'm told there are

counties downstate that they don't have in-precinct registration. In-precinct registration is a very costly thing to do, as we in Cook know so well, so we some years ago provided for deputy registrars, and some of the county clerks, frankly, don't like that idea either. And they resisted that at that time, if you will recall. But what we're attempting to do is make sure that in our State all those who are eligible are registered, so they can exercise their franchise. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1300 pass. Those in favor 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 32, the Nays are 26, none voting Present. Senate Bill...1300 having received the required constitutional majority is declared passed. Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 1300 passed.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to reconsider. Senator Berman moves to lay that motion upon the Table. On the motion to Table, those in favor say Aye. Opposed Nay. The Ayes have it. The motion to reconsider is Tabled. Senate Bill 1303, Senator D'Arco. Senator D'Arco is recognized.

SENATOR D'ARCO:

Rerefer this bill back to the Insurance Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to...recommit Senate Bill 1303 to the Committee on Insurance. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The bill is recommitment. 1304, Senator Lenke. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1304.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this bill does is merely provides that a member who has served six...now eight years as a member of the General Assembly who subsequently goes on to State service and earns more than twenty-eight thousand dollars per year may elect, after he leaves the General Assembly, but in no event after January 1st, 1992 to continue his participation in the General Assembly system for up to four additional years. This bill would affect approximately three former members. I think it's a good bill, and we're talking about very little money it's going to cost us. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1304 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cut-off)...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 24, the Nays are 31, 1 voting Present. Senate Bill 1304 having failed to receive the required constitutional majority is declared lost. Senate Bill 1308, Senator Grothberg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1308.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTBORG:

Thank you, Mr. President and fellow members. Senate Bill 1308 is the result of about four years of study and effort on behalf of a lot of people in the State of Illinois. If those have been around awhile...can recall my personal interest for the last decade at least in the hospice movement, which is for those terminally ill to find an alternative for them and their families to not necessarily die in a sterile hospital setting but to have a home and comforting environment as they are terminally ill. I could speak forever on the subject. This merely says that the thirty-two or thirty-three existing hospices in Illinois have formed the Illinois Hospice Association, have studied it, this is...their draft is a result of their efforts and that of the National Hospice Association to make sure that the Department of Public Health in the State of Illinois sets some criteria which are outlined in the bill, and that, ultimately, there will be some...because of the certification and validation in the future, some opportunity for Medicare reimbursement from the Federal Act which we are also working upon. I know of no opposition to the bill, it was on the Agreed Bill List, and anyone that has anything other to say, good things about it, in the interest of time, I would certainly appreciate a green vote to get this over and get it to the Governor's Desk. I moved the effective date up a whole year, a whole year, so that if funds don't flow for the Department of Public Health, we have plenty of time. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 1308 pass. Those in favor 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 58, the Nays are none, none voting Present. Senate Bill 1308 having received the required constitutional majority is

declared passed. Senate Bill 1311, Senator Marovitz. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill...Senate Bill 1311.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1311 would promote the marriage between business and industry and community development corporations and community organizations. It would allow business and industries to make contributions to community development corporations and organizations for certain specific purposes and get a double deduction on their State Income Tax. The...the projects would have to be certain specific projects such as, and these are enumerated in the bill, creating permanent jobs; physically improving the housing stocks so as to put property back on the tax rolls; stimulating neighborhood business activity such as blighted commercial strips and preventing crime. The whole project is totally controlled by the Department of Commerce and Community Affairs, DCCA; DCCA has to approve the projects. If they do not think that we can afford it, if they do not think the project merits it, then there will be absolutely a zero expenditure. The maximum expenditure in the first year if all projects are approved and the maximum requests are allowed is eight hundred thousand dollars, and the maximum after five years is four million dollars. I've discussed with the...discussed this with the...with the Governor's people, they have no opposition to the legislation. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and members, I just would like to point out for those over on this side of the aisle and hopefully some others as well, that this bill has a price tag, it costs four million dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Okay, this...want to clarify that. That four million dollar price tag is a four million dollar price tag only, only, after five years and only if the Department of Commerce and Community Affairs allows all the projects up to the one hundred million dollar deductions that would mean...that would mean four million dollars. The maximum cost in the first year is eight hundred thousand; the maximum cost in the fifth year is four million dollars, that's the maximum cost, and again, it's totally under the control of the Department of Commerce and Community Affairs. We passed this legislation last year, the House passed it, went to the Governor's Desk, he vetoed it because of two reasons. He...it was tax credits at that time and he wanted it to be a tax deduction, which is now in this legislation. It was controlled by the Department of Revenue at that time; he wanted it controlled by DCCA, it is now DCCA. We made those two changes according to the Governor's request. This...this is consistent with the legislation that we passed, the...enterprise zone legislation. We have...we have drawn it exactly the same way so that people who are in...in areas that may not qualify for the enterprise zone but have projects that will put people back to work, property back on the tax rolls, fight crime and help blighted commercial strips will be able to do that. We've...we've mirrored the...the...the parts of the enterprise zone bill that the Governor requested, and I would

solicit your...Aye vote. I think whatever short-term cost there is, there's going to be a tremendous long-term merit in terms of putting people back to work, helping blighted commercial strips, fighting crime,...keeping people out of prison and getting property back on the tax rolls. I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1311 pass. Those in favor 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 39, the Nays are 16, none voting Present. Senate Bill 1311 having received the required constitutional majority is declared passed. Senate Bill 1312, Senator Marovitz. Senator Marovitz, 1312. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1312.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1312 was a bill that we discussed with the High-rise Fire Commission and with the State Fire Marshal and with many builders across the...this State. It amends the Sales Tax Act to exempt from taxation certain fire protection systems which are installed in high-rise buildings. Now, let me make it very clear. What we are doing by this legislation is saying that if there are...is a...a builder or a converter that wants to put fire prevention systems in the building that are not required by code but are...are far more extensive than those required by...by code, and he wants to go above and beyond the call of duty, we are going to give

him an incentive for doing that by giving him sale tax relief. That is all this does. It...it, hopefully, will allow people in...who are building and constructing and converting high-rises to...to provide additional protection to the residents of those high-rises. To buy those extensive systems is very, very costly. Probably very few people will take advantage of this, but if some builder or constructor or converter wants to do that, we would provide an incentive by sales tax relief, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator Marovitz, what is the fiscal impact of this legislation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Well, Senator, there's no way to tell exactly what the fiscal impact is because there's no way to tell how many people who do not have to, who do not have to, are not required by codes, to provide sprinkler systems, fire detection systems, smoke control systems, emergency lighting systems, those kinds of systems, how many people will choose to do that in and of their own volition, spending their own money to purchase those systems.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, then, Mr. President and members of the Senate, I would just point out that there is a price tag on this bill

as well.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

I would just solicit your Aye vote to promote this new and additional protection for...our...our citizens in our high-rises. I think whatever cost there is probably will be very minimal, I don't see many people taking advantage of this, but if some people want to take advantage of this and provide safety for the residents of high-rises, we ought to at least give them some incentive, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1312 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 26, 1 voting Present. Senate Bill 1312 having received the required constitutional majority is declared passed. Senate Bill 1319, Senator Holmberg. Read the bill; Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1319.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Holmberg.

SENATOR HOLMBERG:

This bill is not what the synopsis says. It has been amended and causes no increases in taxes whatsoever. It enables a municipality to go to a front-door referendum if they wish to operate a handicapped transport system. Rockford had such a system before losing its home rule and may wish to...to have one in the future...if times become

very difficult for many of the things we're trying to do there. Also on the bill is the ability to conduct a horse-stead lottery so that we may take abandoned properties and give them away by lottery to the people who wish to live in them and to rehab them.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 1319 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cut-off)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 12, 1 voting Present. Senate Bill 1319 having received the required constitutional majority is declared passed. Senate Bill 1320, Senator Dawson. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1320.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, Section 4-613 of the Mental Health Code requires that free transcripts should be provided to indigent developmentally disabled individuals but the appropriation has never been made, and the appropriation is a ten thousand dollar request. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1320 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 37, the Nays are 22, none voting

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Present. Senate Bill 1320 having received the constitutional majority is declared passed. Senate Bill 1321, Senator Rock. Senate Bill 1322, Senator Egan. Read the bill, Mr. Secretary...oh, just a minute...Senator Egan. Senate Bill 1325, Senator Bruce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1325.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

In the tradition of Senator Weaver who yesterday admitted that he had a shell proposal, and in the light of Senator Egan, this is a shell. The circuit clerks are trying to work out a compromise on costs of their office. They have not put it together because the attorney for the circuit clerk of Cook County has...is in Europe this week. They asked if we'd just move this to the House, we'll bring it back again. Ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1325 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, none voting Present. Senate Bill 1325 having received the constitutional majority is declared passed. Senate Bill 1332, Senator Bruce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1332.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is the Open Records Act over which we have heard some discussion in the Senate before. I believe that Illinois is the last state in the United States to have an open records legislation. The House has already passed this particular bill in slightly different form, I will be the Senate sponsor. The...the...main provisions is...and Senator Egan is the...the joint cosponsor of...of this bill and will be of the bill coming from the House, deals with public records and copying. There are exceptions. Information specifically exempted from public disclosure by Federal or State law or regulation would not be included,...any information that would be an invasion of personal privacy is exempted; anything receiving social, medical, vocational, supervisor or custodial care, their personal information to be excluded; any personal information...maintained with respect to employees, appointees or elected officials of any public body or application for those positions would be excluded and any information concerning the assessment or collection of a tax; investigatory records compiled for a criminal or State or local law enforcement purposes; the...records maintained by correction institutions are excluded if they will endanger the physical safety of corrections personnel or...or inmates; preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed or policies or actions are formulated are excluded; trade secrets, proposals and bids for contracts; test questions, scoring keys; architects' plans for buildings not constructed with public funds; library circulation and order records; minutes of public bodies which are closed under the Open Meetings Act and written communications between the public body and their attorney. I believe that we have included all the needed excep-

tions. It requires...it allows the...the public body seven days to respond; they can charge a reasonable fee for copying; there is a provision for an injunction; the court will allow both sides to put their case before them, and if there is a finding that they should...reopen the books, that they have thirty days for a full evidentiary hearing on the matter. I believe that we have responded to the questions that were raised in Senator Egan's Executive Committee. We've put two amendments on the bill that answer some of the problems, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Bloom.

SENATOR BLOOM:

Senator Bruce, will you yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR BLOOM:

Does this bill as amended mandate us to open for inspection our constituents' files?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I don't believe so.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Okay. Are...can you tell me what evil this is attempting to remedy, where there's problems of information being withheld? I don't think anyone in this Body supports withholding public information or information from the public, but what evil are we attempting to eradicate?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I believe the...the major problem deals with the working press and...and what I would call very interested citizens. I would want to say that the public bodies across the State of Illinois have done a good job in keeping open records. There are isolated incidences, however, where people of the working press, particularly has erased court documents, finding out court material. They have been stymied in getting that kind of information, particularly in some of the smaller communities from the sheriffs and the police departments, and in some instances, school boards and community college districts in the amount of material that is open to public disclosure. In addition to that, from time to time citizens who have a more than ordinary interest feel sometimes that they are stymied.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

How would this affect how we run our district offices or maintain our offices here in Springfield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, I don't think it will affect us at all because we cannot be required to divulge anything that would be in the nature of an invasion of privacy, of your personal privacy; and so, I think, that exclusion covers a good deal of our correspondence and back and forth between constituents. The question comes up about the General Assembly and my reaction is, name a document that this Body generates that's not already published everywhere you want except our private correspondence, and I believe that's excluded. So, we're already open to public inspection by anybody that wants to, and I don't know of anybody that's requested a document from the President's Office, the Speaker's Office or any other

office of...of legislative nature that has not gotten all of it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. Senator Bruce, Senator Geo-Karis wants me to ask you if the Municipal League is for or against this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Honestly, they have not contacted me, but they put a slip in in the committee but I don't believe they testified, and I am told that...and only...Senator Geo-Karis, only by newspaper reports, that they have withdrawn their opposition to the House bill already and I think most of their objections were met in our bill already, and so I...this is supported by the Illinois Press Association. I believe that they've worked with the Illinois Municipal League to resolve their differences.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President and members of the House. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

Senator, I...I voted for this bill last year, but I voted for it after we had placed an amendment in the House which allowed the...the public bodies to charge a fee that really was a cost based fee. We had an incident in my county, in...in Downers Grove, where a gentleman came in who did not get a tree planted on his parkway, and he came in and

demanded from the Town of Downers Grove where every tree and what kind of tree had been planted over the last ten years by the City of...of Downers Grove. It cost the city three hundred and fifty-eight dollars to come up with that information. Now, every one of us have some, and I put this in quote,..."crank" coming in and...and asking for information like that. My municipalities and I personally feel if a...if a person wants that kind of information, blessings be upon him, he may have it, but I don't see why the rest of the taxpayers should have to pay for obtaining that information for him, and I just want to make sure that that kind of cost is...is covered in your bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

That is in this piece of legislation under Section 6, which they shall allow...any public body shall...may charge fees reasonably calculated to reimburse their actual cost providing the material that...and those fees would...would be based on a scale not to exceed the rate of fifty cents per page, and so as we generate documents, each page would be fifty cents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

But fifty cents would not really cover the cost of, you know, digging that information out, would it, sir?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, I think that's the copying charge. I think the first part of that section they may charge fees reasonably calculated to reimburse the actual cost of providing it, and the copying charge would not be more than fifty cents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Senator Bruce, my question is of a slight different vein than some of the others. Since the Illinois Historical Library is the depository for a number of collections of documents, historical documents and restricted documents, I...I have two questions. One is, if this freedom of information becomes law, will this then allow individuals an opportunity to get into the historical library files, particularly restricted files that have been given to the library saying, yes, people can look at it but only on...prior approval by those who are the trustee of the trust or those who made the donation?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

No, they would not. That is the first exemption we made, and that is, anything excluded by State or Federal law or rules of regulation. I am told by the State Librarian that they have their rules on usage and access, those have been approved, and they would not be open to the general public because they're excluded legally by...by regulation of the Illinois State Library.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

I'm not only speaking about the Illinois State Library, Senator Bruce, I'm talking about the historical library which is the depository of collections which have restrictions in them as well as time limits. Some of them...some former legislators have giving their collection and saying, cannot be opened for twenty-five years.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

That would be included in the second exemption which states, "Information which if disclosed would constitute an invasion of personal privacy," and that is in written...only unless the subject in writing agrees to that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

One other question, follow-up question. My understanding, the House bill which came over, and I only have what the State...the State Historical Library director had written me, that exclusion or that protection for those documents apparently in their opinion is not in that House bill. If they're found to be correct, can we work out an agreement that will protect that on the House bill or on this bill of yours as it goes through the House?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Absolutely.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, one...one quick question, Senator Bruce. I don't...I hope someone else hasn't asked it and I didn't hear it, but what's the time limits on this? If you go into a school district office or into a village and you say you want certain documents, is there anything in the bill that states the amount of time or is...or using the word reasonable, or how do we handle that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

We...we came up with one week, and if there's a dispute over it they can go into court and if the court rules against them, they have thirty days. I mean, if...if they say they can't produce it in seven days and someone really wants to drive you to the wall, then you could get an extension of thirty days in a court...court proceeding. You know, and I think anyone would be...I don't believe that the seven days is going to cause a problem for anybody. If it does, they'll just have to work it out, and I think they can put an injunctive relief and get it, but they have to wait thirty days on an evidentiary hearing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow Senators. A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR GROTHBERG:

Senator, a couple of points have come to me. For instance, who runs the program?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Nobody.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHBERG:

That could be one of the flaws, I'm not suggesting a bureaucracy should be added to this. But for instance, at the decision level, I ask you to refer to page 3 of the bill, where you get down to the Department of Corrections. God knows we've got enough jailhouse lawyers to keep the whole operation pretty busy, but you start under subparagraph 3,

"Investigatory records compiled for criminal or State or local administrative law enforcement purposes, but only to the extent that disclosure would," and then you articulate each one. There is some concern under the Department of Corrections, for instance, you see...subparagraph F-4, "Records maintained by any corrections institution, if the disclosure would endanger the life or physical safety of corrections personnel or inmates." Not everything those prisoners are going to ask for would endanger it, they may...they just want to get...demand the escape plan from the warden. You know, I'm not really being all that facetious, but there's no end as to what some of that...and then I'll ask a couple more and you can respond in turn. Under the legislative article there's concern on our side that staff analysis could be interpreted as...as legislation or the preparation of legislative documents. And then the Treasurer's Department didn't call me but I got the word that they're concerned that you or I could ask for the route to transfer the million dollars every afternoon over to the warehouse where they keep the money. Now, these are aberrations, I grant you, but who decides about those fifteen items that you've got on page 3?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce, you have about twenty seconds left to answer.

SENATOR BRUCE:

Right, it..it...it is determined, basically, by the...the public agency that has had the inquiry made to them. As to the...the prison question, it was asked on the Floor of the House, absolutely no access to any prison riot plans would ever be disclosed under this Act. It would endanger the life and safety of prison personnel and that's exactly what it says is excluded, and that's why it's in there. As to memoranda of this Body, I see nothing that says...it says, "Pre-

liminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, policies and actions are formulated," that seems to cover very nicely our staff recommendations here, and they are of a personal nature from me to the staff or from the staff to me or any other Senator. So, I think those are specifically excluded by this Act. If we express an opinion in a matter, it is...it is not subject to being opened. What we're trying to do is get access to what we all would know as public records.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I have our staff analysis and it calls attention to the fact that there were some amendments requested in committee and I think you've tried to respond, but one of the points was that apparently you had agreed to attach an amendment to require public bodies only to make a list of reports generated after the effective date of this Act. And I interpreted that to mean, then, that...if you've attached such an amendment, that this Act would apply to reports generated after the effective date of the Act, and...am I correct in that understanding?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

You are correct in the understanding that that commitment was made; you're correct in the understanding that Amendment No. 1 and 2 cover that question; you are incorrect in your third supposition that only records after that date. It is...the question is in the section, it deals with establish-

ment of a list of documents that a person could walk into an office and say, what do you have, and they would provide them a list. Senator Rock asked the question, how much money is it going to cost for everyone to go back and find out all the documents they have? We don't know, and so, at his suggestion and other members of the committee, the list that is going to be provided will be after the effective date of this Act. All the records will be available, but Joe Citizen when he walks in will have to know what, in his own mind, what is available at that particular public entity. Only after the effective date would they have to generate a list saying here are the kind of documents we have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Do we have...any indication, Senator, as to what kind of costs might be involved in generating a list like this? I...frankly, I...I can't imagine what such a list might be for some small community, some small town or township government, for example, somebody is going to have to keep a list then of these documents from now on, is that what we're providing?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, as I...in my other life outside this Body, in my real life, I have a chance to work with public documents and I suggested to the committee, those of you who have not had the thrill of working with a public archivist of the State of Illinois, he has a handy-dandy little eighty-seven or ninety page document which lists every public document kept by every public body in the State of Illinois, and...and those could be provided and anyone could just check, here's what we have available. Literally, Senator Schuneman, has every public

document in the State of Illinois within that eighty-seven or ninety page document. I'd be...I think it would be easy just to check what you keep.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR ROCK:

Why did we change or was the change made with respect to the effective date? As the bill was introduced and was presented, it called for a January 1, '85 effective date for the reason that it would...it was thought that the local units of government would have at least some time within which to prepare for this onslaught or to cure the ill which we are trying to cure. Alright. Why...why the change? We are now back, as I understand it, to first of next year.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you. We started with two separate approaches. One group thought we ought to have a comprehensive bill which puts out one, two, three, four, five, six items. The Illinois...Press Association and the Freedom of Information Council started with a slightly different tact, which we would put this in effect and then give the local governments until 1985 to get ready. We would have a council, Senator Grotberg, I'm sure that was part of the staff analysis, we would have...create a council that could answer these questions in advance of what are we going to have to have. The feeling was after negotiations with everybody involved in this bill that it might be wiser just to go ahead and define

in the Statute what it is we're talking about, make the Act effective rather than create another bureaucracy. So, when we...the bill was first introduced, we had the 1985 date, the Attorney General and others thought that with this really fairly comprehensive definition section that we could put this in effect immediately; and at your suggestion, we delayed the creation of the list which could be a burdensome task until it is prospective after the effective date, that's when they prepare the list.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Chew arise?

SENATOR CHEW:

Thank you, Mr. President. We have a school...Caprinica School from the south side of Chicago, which is in the 16th District, in the gallery just facing the left of the President. I wonder would they rise and be...recognized by the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would you please rise and be recognized. Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR BERMAN:

Terry, I presume that this bill does not affect the judiciary?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

It does not. It excludes them, in fact, the word...language is, "Otherwise, this Act does not include the courts."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

What about quasi-judicial bodies such as the Industrial Commission and the Commerce Commission, and particularly, for example, drafts of a...early drafts of opinions? Would that...would those drafts have to be disclosed? Now, I presume that they are discarded, would they have to be maintained and turned over?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

No, they would not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Is...is there a specific exclusion?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Yes, under the fifth exclusion, "Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed or policies or actions are formulated are excluded."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR GEO-KARIS:

Under Section C you've got...B, it says, "Fees shall not be charged for records requested by indigent persons if they pertain to a matter of legal or administrative concern."

SENATOR BRUCE:

I can't hear her.

SENATOR GEO-KARIS:

Section 6 on fees...B, which relates to no charge for...of fees for documents requested by indigent persons. Now, what's to prevent any group from putting someone who is an indigent person to go and ask for those records and say I don't have any money to pay for them and I need to have them, under your bill? Is there any safeguard against matters like those?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I don't believe there's any safeguard except the common sense of people who request documents, and...and the denial in the next section is C, it would be subject to judicial review, and I think if...if Senator Egan, as poor as he is, ran into someplace and said I want ten thousand copies or, you know, give me everything you've generated in the last two or three years, I think they would deny him. He has the right to take that to court and I think the court would throw him out, and I...I just think that we have to believe that cities and counties and school districts are going to have good common sense that if an indigent person is not truly the person asking for it, that they're going to deny it and take it to court.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

That may be well and true, but I have represented municipalities and I can tell you that they...there have been people requesting information on the basis that they were poor and couldn't afford it, and then, actually, they had their lawyer behind them who sent them...before the case was filed. I think this is dangerous. You mentioned that there is a reasonable cost for any of the services; you mentioned

as far as copying documents, it would cost no more than fifty cents a page. What about the labor in that city hall or the village hall that has to be put forth to produce the documents, is there any payment for that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, if...if...if that is a problem, I'll take the whole question of indigent person under advisement and...and perhaps, Senator Geo-Karis, you've found a flaw that...that many of us had not found, and that is the request of an indigent person would have to be personal to them. I...I think that we all read it and a court would read it to mean that when you say, records requested by an indigent person, that that means themselves, the person involved, but I think you may have found a little loophole and we're...happy to close that in the House by adding indigent person for his own personal use.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis, your time has run out.

SENATOR GEO-KARIS:

I think you have to go further than that. They...should certainly file an affidavit for what use is going to be made and it won't be given to anyone else, and for what purpose if it is. Then the other point, you didn't answer my question, are you providing for a reasonable fee for the labor put forth by municipal government which exists on tax money to go ahead and photostat those documents, dig them out, do whatever research is necessary, is there a fee for that provided, or is there any statement in your bill that provides some kind of a fee for it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

As mentioned to Senator Fawell, there...there is a

requirement...or allowance under Section 6 for charging of a fee, and we calculated that in most instances, the fifty cents would cover both the cost of the fee....cost of labor and the...the copying. The...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Time's up. Before we go to the Senators that sought recognition for the second time, I'd just like to remind you that we do have...it's one thirty-five, we have ninety-two more bills to go through before we leave today. Senator, there...Geo-Karis, your time has expired. Senator Grotberg sought recognition for the second time.

SENATOR GROTBORG:

Thank you, Mr. President. Only because one question, Senator Bruce, has not been asked. I'm on the board of the Carbondale YMCA, we received a Federal grant to administer part-time summer jobs. We get in a board battle, me and my fellow board members, and we drag out all the dirty laundry about how job programs...gone over the year. You track public funding into private, not-for-profit organizations, you've amended it somewhat, but it's still muddy. My concern is if...if I'm left out of that program or if I'm a disgruntled citizen, do I subpoena the whole board proceedings, how far can I track a public fund? It's very muddy in this bill, that's my only question, I don't want to delay the proceeding. If you close...if you got an answer, I'd like to hear it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, on public funded not-for-profits we've removed those, and, Senator, as to the...the question of in that body being involved, all you're going to have to do if you get into litigation, obviously, this is more in the...interest of citizen involvement in public records. Once you get into

litigation, depositions, request for documentation are all going to be far beyond the range of this bill, and this only...the intention and clear statement of this bill is just, frankly, in a small way to allow the citizen, and once you get into a litigation, this will be one item for the citizen; but between board members, you're going to be into the whole rules of evidence and disclosure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there is no further discussion, Senator Bruce may close.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. There has been a great deal of work put in by various groups. The Illinois Press Association has worked very hard on this, the Illinois Freedom of Information Council, the Common Cause. The draft was prepared by the Attorney General's Office. He has offered, in a meeting with him I had this week, to sit down with all the interested parties including the Municipal League and everyone else this coming week to see whether or not any differences that exist, and I believe most of them have, frankly, been worked out by amendments both in the House and the Senate that we would pass a bill that would put Illinois in...in conformance with all the other states in making public records open to the citizens of the State of Illinois, and that's all this bill does. Although it's a complex procedure, that's all we're trying to do.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1332 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 47, the Nays are 8, 2 voting Present. Senate Bill 1332 having received the constitutional majority is declared passed. Senate

Bill...for what purpose does Senator Berman arise?

SENATOR BERMAN:

Mr. President, let the record show that I was called off the Floor for a moment, if I had been in my seat I would have voted Aye on the bill that just passed, 1331.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. Senate Bill 1336, Senator Nedza. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1336.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. 1336...entitles employees who are fifty-five years of age or older but younger than sixty to receive a refund if they have less than twenty years of service. The bill also eliminates a second medical report for duty disability,...eliminates the thirty-day waiting period for employees to receive their refund, and increases the interest on refund repayment from six to eight percent. The bill has no fiscal impact. It has the approval of the Pension Laws Commission, Department of...Commerce and Community Affairs. I know of no...opposition to the bill. If there's no questions, I'd move for your favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1336 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 50, the Nays are 4, 1 voting Present. Senate Bill 1336 having received the constitutional majority

is declared passed. Senate Bill 1343, Senator Hall. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1343.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Under present law a widow or widower's annuity is decreased when a child marries or reaches the age of eighteen. Now, what happens here if the...that disabled persons that are...means a person eighteen years or older who is because of mental deterioration or physical incapacity is not fully able to manage his person or estate. The Pension Law Commission recommends approval of this bill and we put the amendment on so that...bring it in line with it. The estimated increase in annual cost is only twenty thousand dollars. A widow or widower's annuity shall not be decreased when a...dependent, disabled child reaches the age of eighteen. Such annuity shall continue as long as the disability continues. I would ask your most favorable support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not...Senator Buzbee.

END OF REEL

REEL #5

SENATOR BUZBEE:

Senator Hall, your bill, as you described it, I'm in complete support of; however, these bills that deals with the legislative pensions have a way of picking up some rather significant amendments when they get over to the House of Representatives. If I vote for this bill, will you assure me that you will not accept any amendments which in any way is going to increase legislative pensions or provide windows for other people to get into the pension system, et cetera, et cetera, et cetera?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Senator, I introduced the bill to take care of this specific interest. Now, if something comes up, I would certainly consider talking over with you and bringing it back. I...I don't foresee anything like this happening, but it's not my intention for that. To be honest with you, I'm always amenable to...to...better...to making the bill better, like I'm going to do with a bill I passed out of here yesterday which you had some problems with. So, that would be my answer to your question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1343 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 38, the Nays are 16, none voting Present. Senate Bill 1343 having received the constitutional majority is declared passed. Senate Bill 1347, Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1347.

(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. Senate Bill 1347 makes a nonsubstantive clarifying changes in the adult education formula and also puts into the Statutes what we are now doing in that we are allowing nonaligned high...nonaligned districts, those districts that are not now in a community college district, to form their own area planning council. That is now being done.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Bruce.

SENATOR BRUCE:

Well, I just want to stand in opposition to this particular legislation. The...the part on adult education reimbursement is reasonable and ought to be passed. The amendment which was added which deals with area planning councils is...is not a good idea. We have worked since 1965 and early 1961, in fact, to get areas of the State of Illinois which are not in community college districts to participate in funding of community colleges. I live in an area where we...we service and provide all kinds of opportunities to children not in our...in our community college district and they pay a charge back which doesn't begin to pay the thirty-seven cents that my local taxpayers pay. The area planning council that Senator Maitland is going to allow them to set up, we already allow them under Statute. They are...they are to participate in our area planning council, they, in fact, do. This sets up a separate one in com e-

tition to us. We're taxing ourselves thirty-seven cents to do it, ninety-nine percent of the people on the Floor of the Senate are doing the same thing. This allows people who are paying absolutely no taxes to any community college district, and there's only a...very little area in the State of Illinois that's not included, and I understand Senator Maitland's problem, it's...he's...he happens to be in a university community and...and there ought to be some way to let him do what he wants to, because I think in his own particular case he can make a strong point, but for all of us in downstate Illinois, Republicans and Democrats alike, the area planning councils are already participating in nonaligned areas and this just allows them to compete with your taxpaying people.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Berman.

SENATOR EERMAN:

Thank you, Mr. President. I rise in support of the bill, and I recognize Senator Bruce's comments. Regrettably, those of us from the districts that he's talking about, and Evanston is one of them, we are caught between a rock and a hard place because our constituents will not approve a referendum and there have been...the bills that would mandate us in have never gone into law. So, we're just not able to accommodate what Senator Bruce is talking about. I think that we shouldn't be penalized because of those sets of circumstances from planning for the adult education of our constituents. So, I stand in support of Senator Maitland's bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I represent an area that has a considerable amount of territory that is not in any junior college district. They did not opt in to the junior college system, the law did not require them to be in the system, they...don't want to be in the system. How does this planning group affect such areas as that? I seek to represent my district, maybe you could give me some guidance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you. Senator Schuneman, they are now doing it now. This...this particular piece of legislation simply puts in the Statutes what is now being done. This is already being done.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. The points that Senator...Bruce has alluded to are...are accurate in that many of us who reside in these particular districts have had in the past, you know, some concerns about this particular problem. The people have...many of them have opted not to go into a community college district, and yet, one can't deny...one can't deny either them being a part of an area planning council that is in a community college district or in an area planning council that is a separate one. We're still talking about funding, funding that these people have a perfect right to whether or not they're in a community college district. And I simply think this is good to put this in the Statutes, we are now doing it, it's reasonable and I would...would seek its support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1347 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 13, none voting Present. Senate Bill 1347 having received the constitutional majority is declared passed. Senate Bill 1349, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1349.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. The genesis of this bill was the Florence Crittenton Home in Peoria of all things. They run a crisis nursery and they have chronic underfunding. Essentially, what the bill does is allow people to designate on their returns if they...if they are entitled to a refund that two dollars of that would go into a child abuse prevention fund to be...provide funds for things such as the crisis nursery at the Florence Crittenton Home and other...other such programs that are already in existence and run by DCFS. Answer your questions; otherwise, I'd urge a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no discussion, the question is, shall Senate Bill 1349 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 4, none voting Present. Senate Bill 1349 having received the constitutional majority is

AB2
2nd Reading

declared passed. On the Order of Senate Bills 3rd Reading on Page 2, on Page 2. We'll go back to Page 2, we're starting over. We have approximately eighty-eight bills left to do, and I don't think we'll get back to it if we miss them. So, pay strict attention. On the Order of Senate Bills 3rd Reading, Senate Bill 2, Senator Buzbee. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Yes, thank you, Mr. President. This is a bill that has been before us before. It would eliminate the transportation cost on...on fuel that is brought into this State, and...as a pass-through, pardon me, it would eliminate the transportation cost as a pass-through in the fuel adjustment clause that is now granted by the Illinois Commerce Commission. This is an obvious attempt to try to get utilities in Illinois to use more Illinois coal. This is a bill that has generated a tremendous amount of controversy in the past, a lot of opposition from the utilities. It is wanted by the coal operators and the...and the coal...the United Mine Workers. I would say to you that it's my understanding that the utilities have...have removed their big objection. I'm not saying that they are necessarily in love with the bill, but they have removed their big objection with the addition of the amendments which we put on the other day which makes the effective date now May 1, 1984, so that that coal that they already have in...on hand in their stockpiles would not be subject to...to this elimination. That that...that particular coal...and the United Mine Workers have agreed to this

amendment, and this bill...or a similar bill to it passed out of the House rather overwhelmingly the other day. I think it's a good idea, I think its time has come. I think it will help the coal industry in the State of Illinois in the future. It's not any real panacea for the immediate future, but I think in the long-run it will help the coal industry considerably, and I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor, if I could.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR RIGNEY:

Isn't it true that at the present time, the so-called pass-through is really subject to reconciliation at the end of the year, so it's just, you know, aren't we just kind of moving the checkers around here without really doing all that much?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce...I mean, Senator Buzbee. They all look alike.

SENATOR BUZBEE:

I know, we all look alike. Senator, as...as to your reconciliation question, I do not have a direct response because I don't know. But I would tell you this, that my bill would not eliminate in any way their ability to take an increase in the cost of transportation, it's simply that they would in the future would have to go to the commerce commission and ask for approval for that increase as opposed to now the increase simply is added on automatically in the fuel adjustment clause.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

Well, I guess the thing I'm pointing out to you is that this is still all... pardon me, subject to review at the present time. They have to account for their transportation cost, it's just, you know, do you want to do it in advance of the fact or after the fact? The point of it is that they will be entitled to this, and we really are not doing that much or changing that much as a result of this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Euzbee.

SENATOR EUZBEE:

Well, Senator, I would say to you that this bill has been before...I'll wait till you have a chance to listen. This bill has been before this Body in at least three previous occasions and perhaps more than that, and I have been the sponsor of this bill two or three different times. I've carried it through the committee several times. I've been the chairman of the Illinois Energy Resources Commission when we worked on this bill for hours and hours and hours and hours, and I will say to you that that is the first time that I have ever heard that statement made concerning the...the fuel adjustment clause or the transportation costs. I don't know where you get your information, but it seems to me that at sometime during all this several years that we have been working on this piece of legislation, that somebody in the utility industry would have said something about that to me had...had that been the fact.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Johns.

SENATOR JOHNS:

Yes, thank you, Mr. President. This is probably one of the most important bills for the health of the Illinois coal industry that I know of. If you really want to get some reaction, call this bill and watch the utility lobbyists come

running to the...to the balconies around us. They're there now, very concerned about this bill. I don't know how you people from Chicago are going to vote on this because I've always felt you had extra close ties to Commonwealth Edison and that always bothered me. And I say that very bluntly, very specifically, very succinctly. I don't think there's a man in here that ought to vote that has stock in any utilities, but that one ought to be null and void too. And I'm tired of being in a General Assembly in the heart of a State that has the largest coal reserves...bituminous reserves and we're in the doldrums, we're not doing a damn thing to get rid of sulfur in coal 'cause there's no need to, there's no need to. As long as our coal companies are multi-state owned and internationally owned, owned by oil companies and owns...and who owns...our utility companies who own billions of tons of western coal and who will not...will not take the initiative to help us scrub this coal and make it clean enough to burn and keep our own economy healthy. Part of the trouble of this State today is unemployment; six thousand coal miners or so out of work, some of you don't really give a damn because you've proved it over and over, you vote consistently on behalf of the utilities. And if you think I'm wrong and you'd say, you know, hey, you're out of line, just look at your record of how you voted against utilities and how you refrained from voting against utilities, and the major...major one is sitting right up there right now, and I respect him highly because he's very, very efficient, very, very effective, and his overseeing of what takes place here, he does one fine job and I dare say that if I was that utility company I'd keep him on forever. He's a very...he's a very conscientious, very dedicated person to his company. But if you want to get rid of high sulfur coal and you want to get research rolling, pass this bill, because the utility companies will not be able to buy from themselves in a

chain...daisy chain reaction and pass on those costs to our people in the State. They own the coal, they got stock in the railroad, they charge the fees to the railroad and this all comes home, and glory be, you find out that many of them have ties in the eastern, northeastern section of the United States where their major stockholders reside. They are also the culprits in the acid rain proposition. No, we're not going to do a thing about high sulfur coal as long as the oil companies own the coal companies, as long as the billions of tons of coal in the western states are owned by utility companies. No, you're not going to get off the track here, you're going to go the same way and you're going to wonder why people like me from downstate just bite our tongues and grit our teeth over the failure of you people to realize the need for your action on our part. But this is one of the most important bills to come before us on behalf of the coal people and on behalf of the unemployed in the coal fields. And I might add that many of the jobs in the coal fields have a spinoff of Allied Industries; the roof bolting process, cable splicing and all the things that go where an industry is prospering, and you're part of that kill too. And I just want to tell you, I'm going to duly note what takes place here today because we need you, you owe it to us, but I dare say you haven't got the guts to vote accordingly. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Kent. Senator Schuneman.

SENATOR SCHUNEMAN:

Just...just a question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Is...if I understand this bill correctly, Senator, what...what you're hoping to accomplish by this is to bring about some incentive for utility companies to use Illinois

coal; and in order to do that, they're going to have to build scrubbers and...and do whatever is necessary to meet the EPA standards. Do we have any reason to think that that would happen if...if this bill passes? And...and this is a serious question. I think we all have a concern about Illinois coal, but then there are concerns about the environment too. What...what indication do you have, if any, that if this bill passes there would be any increase in the use of Illinois coal?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Senator...Schuneman, I have been working on this problem for a number of years. Commonwealth Edison, who is obviously the largest importer of...of out-of-state coal into the State of Illinois, has...has testified before different commissions and committees that I have been on many times that if they were building a new coal fired power plant today, they would go ahead and build the necessary scrubbers for them to burn Illinois coal because they admit that it would be cheaper today, if they're building a coal fired power plant, to build a scrubber on and to be able to burn the higher quality, albeit higher sulfur Illinois coal than it would be for them to pay the transportation costs and bring in that lower quality, although it's lower sulfur content, western coal. The problem is, of course, with the old plants, the current existing plants, they say that retrofitting those plants with sulfur removal devices is simply too expensive. There is another piece of legislation, which Senator Demuzio is sponsoring, that would allow CWIP for sulfur control...pollution control devices on power plants. And there is one where the coal industry and the utilities and the United Mine Workers are all in agreement, and that bill came out of the committee with a, I think, with a...unanimously,

as I recall. So, that in conjunction with this would be an incentive to burn Illinois coal, a disincentive to burn western coal. The price of transporting, the price of transporting one ton of western coal from the Wyoming coal field, Senator Schuneman, into the power plants in...in...in Commonwealth Edison's area now exceeds forty dollars a ton. That's the transportation cost alone. The transportation cost is much more expensive than the coal itself is that they bring in from the west. And...and when you talk about cost per ton, that's really not a good basis of comparison. You ought to be talking about cost per BTU, because Illinois coal is higher BTU than western coal is; therefore, it doesn't take as much Illinois coal to get the same BTU output as western coal. But the fact of the matter is, it..it costs better than forty dollars a ton. All I'm asking is not to rescend any of that cost, all...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, you're time is expired.

SENATOR BUZBEE:

Okay, I'm sorry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Just a little update. As of last night...House bills as of last night, mind you, House bills to the Senate were eight hundred and four. We received eight hundred and four House bills as of last night, not counting today's action. As of right now, about three or four minutes ago, the Senate bills to the House were seven hundred and eight. So, we're losing the battle. Is there further discussion? Senator Buzbee may close.

SENATOR BUZBEE:

Thank you. Very briefly, I think that a lot of the objection...as I stated in my opening statement, a lot of the objection by the utility companies has been removed with the addition of this delayed effective date, May 1 of 1984. This

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is legislation that is badly needed. Again, it is not a panacea, but it is a little bit of a...a little bit of assistance. It is good for consumers; it is good for the coal industry; it is good for unemployed coal miners and employed coal miners, and I would love to see this bill pass today. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 2 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 15, and 1 voting Present. Senate Bill 2 having received the constitutional majority is declared passed. Senate Bill 5, Senator Joyce. For what purpose does Senator Johns arise?

SENATOR JOHNS:

Thank you, Mr. President. I recognize that you didn't see me, and...and thank you, Mary, for helping him. I move to reconsider the bill which...Senate Bill 2 just passed, and...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Johns moves to reconsider the vote by which Senate bill passed. Senator Buzbee moves to lay that on the Table. The motion carries. Senate Bill 5. No. Senate Bill 22, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 22.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Senate Bill 22 provides that before the various city pension funds...provides that before

the various city pension funds can transfer their investment authority or consolidate with another pension fund that they have to receive the consent of the contributors and the retirees, a majority by vote. This comes at the request of the affected systems. It is a result of the fiasco that we had a few months back in which there was an attempt to consolidate these funds. All of the funds are in favor of this. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 22 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 51, the Nays are 5, none voting Present. Senate Bill 22 having received the constitutional majority is declared passed. Senate Bill 23, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 23.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 23 provides that no home rule unit shall have the power to change, alter or amend any provisions of the Chicago Firemen's Article to the Pension Code. It also provides that no home rule unit shall provide any type of retirement or annuity benefit to a fireman other than through the establishment of a fund as provided in the Article. The Pension Laws Commission recommends approval of this bill and points out that it does not really change current law, it only clarifies it. I ask for a...a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If...Senator Newhouse.

SENATOR NEWHOUSE:

Question of the...of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR NEWHOUSE:

What's the fiscal impact for Chicago on this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I don't think it has any.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Then is it preemptive?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I don't believe so, because I don't believe that the...I don't believe it does anything other than what the current law is. I don't believe that this...that the city can act anyway, and...and it merely clarifies what the present law is, and the city can't act in this matter anyway.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no further discussion, the question is, shall Senate Bill 23 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 53, the Nays are 3, none voting Present. Senate Bill 23 having received the constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 29, Senator Watson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 29.

(Secretary reads title of bill)

3rd reading of the...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is the bingo bill which was been discussed before. We have amended it, and the final amendment is now the bill, and it states that the maximum allowable prize money will be...allowed in the Counties of Madison and St. Clair will be thirty-four hundred dollars, and in the...all other counties it will be twenty-two fifty. Thirty-four hundred dollars in the Counties of Madison and St. Clair. This is to rectify a problem that has existed in our area when we reduced the prize money from twenty-two...or from thirty-four hundred to twenty-two fifty. It just wiped out the bingo games in our area in trying to compete with Missouri which is thirty-six hundred. The commission that studied this talked about organized crime and the problems that probably deal with Chicago. I do not feel that in our area this is a problem. And if it's a problem in Chicago, sobeit, then let Chicago take care of their own problems but leave us alone. That's the problems we have here, often-times legislation that we pass here to affect a certain area of the State, preferably Chicago, ends up in a very negative impact on the rest of us and this is a perfect example of that. We have organizations in our area such as the Collinsville Jaycees and the Knights of Columbus and American Legion, soccer clubs and all that were relying on this revenue to continue with the community service projects in which they were involved. And when that prize money was dropped, it just, like I say, blew us out of the water in trying to compete with Missouri which is at thirty-six hun-

dred. So, I'll be glad to...to answer any questions. I feel the amendment is trying to address some of the concerns that the members had, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Senator Lemke.

SENATOR LEMKE:

I...as I mentioned before, I...I don't think two counties or three counties should be left off the hook in regards to organized crime. What this bill is going to do is we're going to exempt these two counties and then the counties next to it are going to complain because Madison and St. Clair County have it, and pretty soon you're going to be pulling away from those charities all throughout the State which need this money; the private churches, the Catholic charities, the veterans, the Elks, the Moose and every other of the hundred counties in the State of Illinois that are not Madison and St. Clair. I don't think this is the way to go. I think the law that we have should first be worked as far as the policing of bingo. When the Department of Revenue has shown that they can properly police bingo under the present rules, and their setup is and we can see the working of it, then I can...I think it's time to expand prizes. But at this point, I don't think it is the time to expand the size of the prizes in any part of Illinois, in any county, because it's just going to spread. And let me tell you something, Senator Watson, what you'll bring with these two...these two counties. You will probably help us 'cause we'll get rid of some of the crime syndicate that are operating in our area and they'll open up in your area on their fake charities and the people will come to your area and then you'll have the problem. We do not want to see this happen anywhere in the State until the Department of Revenue can get rid of some of these phony charity operators and allow us to...to exist and try to give the real purpose for bingo, and that was to keep bet-

erans' halls open, keep church...private schools going, keep Moose and Elk areas going so they can do their community service. And I...I would ask a No vote or a Present vote until the Department of Revenue has come up with a solution to this problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR LECHOWICZ:

As this bill is amended now, it's just strictly Madison and...and what, St. Clair?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Madison and St. Clair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

This bill if it pass, it goes...it goes to the House. Knowing that the...what people are interested in this bill were the same people that were interested in raising this matter last year. They're still in this Capitol complex. Do we have your word that if this bill is amended in the House, you will then Table it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

What type of an amendment? What's your concern?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Making it State-wide.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, the original intent of the bill was State-wide...well, the original intent was to opt out Cook County only. Then we went...tried to satisfy those concerns and went State-wide with twenty-seven hundred which didn't work. Now, we're going to strictly regional approach, and I would...yes, I would submit that I would Table the bill if we get a problem with it and I'll be glad to work with you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further...further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Watson has properly described the reason that we are pushing this bill for today. And you can rest assured, Senator Lechowicz, that as a cosponsor of this bill, I certainly would be no part of trying to place an amendment back on that we had agreed to here. Now, it was very...for years, Missouri would not go into this because they have...a shortage of revenue, now they have open, and because of the proximity of our area with Missouri, that more people were going over there for a larger purse. It has been very well taken care of, they police it well. It is not only the churches, it's veterans' administrations and organizations. We really need this because the loss of revenue is going to force many of these out of business, and that's the only reason, and I would ask your strong support of this because we need your help.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. The Revenue Committee struggled long and hard with this issue last Session, as you recall, and we did reach an accommodation and then we really stood by that and we would not let anything else happen to it. I think that there is a very special problem in these two counties. Senator Watson made clear by bringing the bill back and amending it...and limiting it to those two counties that there was no intention to do other than address their very particular problem. I think on that basis it certainly is reasonable, and I'm sure Senator Watson knows that if the bill does change its form when it gets over to the House, that it will have the undying opposition of many members of the Revenue Committee when it gets back here for concurrence. I am sure he has every intention of addressing only his particular problem, and I think that is reasonable.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, just briefly. House Bill 60 is already over here, which is sponsored by Representative Flinn, which will be doing the same thing. And I also, Senator Netsch, will assure you that when that bill gets before your committee, they'll put it into that same posture. And I ask my colleagues to support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Weaver.

SENATOR WEAVER:

I...just reflecting on yesterday when we were trying to increase the purses for horse racing, Sam, we should have just opted out the whole State and left in Cook County, and maybe we'd have gotten the purses on horse racing up a little bit. We're not to...to bright are we, Sam?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall Senate Bill 29 pass.

Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 8, 1 voting Present. Senate Bill 29 having received the required constitutional majority is declared passed. Senate Bill 33, Senator Collins. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 33.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 33 establishes...minimum dwelling standards for public aid recipients. I'm sure that most of you have heard about the...the problems of slumlords in large metropolitan areas, and most of the victims are those persons on public aid. This bill seeks to minimize that problem and also the problem of decaying communities, the additional health care it costs the taxpayers for those persons who have to live in those buildings during the winter without heat, without adequate safety and fire protection. It also provides for what I consider to be a fair exchange of protections under the law for both landlords and tenants. I had...have no opposition to this bill at this time in committee. The Department of Public Aid did register an opposition to the bill, and their opposition was that this bill was good but it should apply to all of the units...I mean, to all landlords and tenants in the State of Illinois. I did have such a bill and the bill never passed, and I'm sure there have been several other attempts in this Legislature to pass State-wide minimum standards for dwelling units in this State but to no avail. I

think Senate Bill 33 is a good beginning. If it work for public aid clients, then we can come back and extend it to all dwelling units and set minimum standards and a bill of rights for both tenant and landlord. I'll be happy to answer any questions. If not, I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I think that there was some discussion and some opposition in committee. I know Amendment No. 1 was adopted, I'm not too sure that that removed all the opposition, because it's my understanding, Senator Collins, that Public Health must now administer it and they are opposed to the bill. Would you...like to comment on that, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Public Health is now administering. This was an amendment put on by the chairman of the committee and I would assume that it was at their request. They have not expressed any opposition to me. The realtors did have some objection. I put on an amendment that satisfied the realtors' objections, so I know of no opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Well, one of the...one of the problems, it seems to me, is that maybe in some respects this might cause more problem for housing than it would do good, because it puts the burden of proof on the landlord in the case where...where they have violations caused by the tenant; and it would seem to me that in situations like that if a landlord could find a different

class of tenants or whatever, he would be more inclined to do that and a lot of people would be pretty much shut out, and, really, you wouldn't be accomplishing what you really want to accomplish.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

No, that is not true. The...if the landlord file a request for hearing and protest the charges made, then they're given an impartial hearing. So, he or...or she has the same opportunity to submit the proof as the tenant as to who is responsible for the violation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Further discussion? The question is, shall Senate Bill 33 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? Senator Ball. Have all voted who wish? Take the record. On...on that question, the Ayes are 31, the Nays are 24, none voting Present. Senate Bill 33 having received the required constitutional majority is declared passed. Senate Bill 37, Senator D'Arco. Read the...bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 37.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What Senate Bill 37 provides is that when a person has been convicted of a Class 4 Felony or a lesser offense, which is known as a misdemeanor, and ten years has elapsed since such conviction without any intervening conviction of any offense, then such person shall be

entitled to expunge the conviction record of the previous...of the...the previous conviction record. I don't know of any opposition of the bill. We did amend it. Senator Geo-Karis amended it to provide that the ten-year period would begin running if, in fact, the man was in jail at the time that he was released from prison.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall Senate Bill 37 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 37 having received the required constitutional majority is declared passed. Senate Bill 41, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 41.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does now, there...there is...we took the amendments off, the only amendment on is Amendment No. 1 which is a committee amendment which sets forth and clears up the problem there was in revolve to what costs were for...the misdemeanor would cost for...for a felony. I think it's a good bill and it...it'll help us collect some of the costs of prosecution. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall Senate Bill 41 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all

voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 41 having received the required constitutional majority is declared passed. Senate Bill 58, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 58.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill is is the...what we call the apartment switch legislation. It's similar to Claude Pepper in...down in Florida. This has nothing to do with the State Income Tax or the State circuit breaker. This bill just defines the qualified...and for their person for whom the taxpayers' dwelling unit or house who counts that the principal place to vote for such individual for more than six months of the year. It holds that this Act does not exempt any person from compliance with any local building code or zoning ordinance. This is a bill to encourage senior citizens to convert their homes so that other senior citizens can live in them and not...this will not cut the existing tax base; but if they do convert, they will be able not to have the...the addition or the change in the house included in their real estate taxes until they pass on. I think it's a good bill, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Mahar.

SENATOR MAHAR:

Senator Lenke, is Cook County in this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LENKE:

My...my understanding, yes. The only amendment we put on, if you recall, was the committee amendment which they wanted the...that they comply with local building code and zoning ordinances, and if the person dies, the...property will return to the tax rolls.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President. Mr. President, the...the amendment that was placed on, as Senator Lenke says, does comply with local zoning ordinance which was one of the real problems with the bill. In other words, municipalities have the right to deny this type of a changeover in...in the community. But it really...it takes away from the...from a senior citizen's aspect in that now the amendment calls for people under the age of sixty-five to rent these homes, and the principle initially was to provide housing for senior citizens. So, really it doesn't provide all the housing for senior citizens that the sponsor is asking for. I have mixed emotions about the bill and I just wanted to call this to your attention.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any further discussion? Any further discussion? Senator Lenke may close.

SENATOR LENKE:

But to be a qualified individual, let me explain, you have to be a senior citizen. So, therefore, if you cannot

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your home, you can either rent it to another senior citizen, you can...rent it to someone else, but it's a proven fact that most senior citizens rent to other senior citizens because they do not want to have families and that in their complex, and usually they want to have some friend or relative living in their building but live in a separate apartment. And I think this is a good bill and I think it allows the necessary...encouragements for other seniors to help each other. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall Senate Bill 58 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the...the Nays are 7, 2 voting Present. Senate Bill 58 having received the required constitutional majority is declared passed. Senate Bill 63, Senator Netsch. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 63.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The bill deals with the problem of artwork that is consigned to an auction house which subsequently runs into either fraudulent activity or financial difficulties possibly leading to bankruptcy and the unavailability of the funds to pay off those whose artwork has been sold. Rather than...structure an elaborate licensing bill or anything else of that sort, the bill is fairly simple. It requires every art auction house, as defined and specified in the bill, to maintain a separate bank account,

not for each individual customer, consignor, but a separate bank account into which will be placed immediately after an auction the proceeds of that auction. The money, in turn, must be paid over to those whose work it was that was sold at the auction within thirty days; a relatively simple way of addressing what has been not a terribly prevalent problem, but a...a problem of some severity. For instance, one art gallery in Chicago that ended up filing for bankruptcy owed two hundred and twenty thousand dollars plus to two hundred and thirty-four people whose works had been sold but who were never paid because the art auction house sat on the proceeds until it did run into financial difficulties. I think it's a relatively simple approach, but it is a very serious problem when it does occur. I would be happy to answer questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I...I hesitate to rise in opposition to Senator Netsch's bill, she who has a very wealthy upper crust district. Those of us who represent middle class ethnic boroughs who have a population striving to have this problem, I think you're dealing with a problem probably limited only to your district. The rest of us don't deal in art auctions. But I...I want to stress something to think about, and I'm playing devil's advocate. The kind of person who's involved with an art auction house does tend to be a slightly more educated individual. You have to be aware of who you're doing business with. Now, let's give a comparable comparison. I don't know if any of you have...have no other profession, there's a group of...of men and women called attorneys who often act as agents for individuals. Could you picture if this were applied in a similar situation that says each

time you're dealing with a set number of clients, you're setting aside separate funds, whatever. Take it into many other businesses, the same comparable situation. I'm not saying that this is not a problem, as I say, but it...you may have just solved your problem of having an itch by dropping a nuclear bomb on it. This might be a little big, and if...if extended to other professions, to put it mildly, could cause an awful lot of trouble. I say, again, it's a limited group, and, Dawn, I'm sorry that it only applies to your area.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. What...what is the definition...could I ask the sponsor a question, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch indicates she will yield. Senator Watson.

SENATOR WATSON:

What is the definition of an art auction house and how will this affect our downstate auctioneers that run around in pick-up trucks from home to home having auctions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

That kind of question, Senator Watson, came up during the course of the hearing, and I've spent a fair amount of time in discussions with, particularly Senator Schuneman, to some extent Senator Rupp since then, attempting to get the language to a point where it would not in any way bother with what you are probably concerned about. As it is at the moment, it would...an art auction house means any person, partnership, corporation, association or group engaged for profit primarily in the business of conducting auctions at which it acts as agent for any seller of works of art, antiques, furnishings, jewelry, gemstones, coins, stamps,

rare books and manuscripts. The sum of the more all inclusive language which was in the bill as it was originally introduced has been taken out by amendment, and that was in part to attempt to address a similar kind of problem which was raised by one of your colleagues.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Watson.

SENATOR WATSON:

Well, the answer then is that it's going to affect them directly, is that...is that true then?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, I heard only your description of what you were asking about, and I would think not. It's...it is...it has got to be a business engaged in for profit selling only the kinds of things that are listed here in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

You...you mentioned antiques. That...that will directly affect the downstate auctioneers because they oftentimes go to a...whatever, a sale and there they are selling antiques or whatever, and I would imagine this is going to directly affect them, again, in...in a negative fashion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

If the sponsor would yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield.

SENATOR SCHAFFER:

I happen to belong to a rotary club that has an art auction annually and they contract, I suspect quite informally,

with an art house in New York who arrives with a large truck full of artwork which is displayed, auctioned off, the funds are run through the club's account, I...I don't know, I suspect it's a special account in a local bank, and people, you know, buy the art, pay the club and the club gets a percentage and pays the auctioneer and the art company, or whatever you want to call it, in New York. How would this bill affect that kind of operation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I'm not absolutely sure I can answer your question. I think it might not, Senator Schaffer, because I think it is your group that is conducting the auction. I...I think I would probably have to know a little bit more about the arrangement. But my...my off-the-cuff judgement is that probably it is your group which is actually conducting the auction. I...I might just elaborate on that by saying both to you and to Senator Watson in response that there is no prohibition on any of this activity. The only thing that is required is that a bank account in...or savings and loan account, into which the funds that are received as agent for the consignors, be maintained and a public record kept of that bank account so that people can be paid. That is all you have to do, you don't have to get licensed or pay a fee or anything else.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I guess my concern is that my...my rotary club has no knowledge of whether the auctioneer in New York or the company, or whatever their structure is, and, frankly, it's a...appears to me to be a highly reputable, very class operation, but I could see that they might go belly up out in New

York and owe a bunch of people money, a lot of artists money for artwork that they had, and would this subject the club to any liability, assuming that the club becomes the official auction house, if you will, that it does not already have? I mean, I...I think you know where I'm coming from, and I'm sure that there are literally hundreds of civic organizations who hold art auctions for very worthy causes all over the State. I would hate to, in this rush towards goodness, undo the good that is done through those functions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield.

SENATOR DAVIDSON:

Follow up on Senator Watson's question, Senator Netsch. The title on the Calendar says "art auction only." Does that mean the auction houses, of which we have a number in downstate, are exempt from this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, the...the only ones that are covered by it are those that are covered by the sentence that I read just a moment ago, which I think is responsive to Senator Schaffer's questions also. "As used in this Act, art auction house means person, corporation, association, engaged for profit primarily in the business of conducting auctions at which it acts as agent for any seller of works of art, antiques, furnishings, jewelry and so forth." So, it has to fit within that definition, and it has to be someone engaged in the business for profit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Davidson.

SENATOR DAVIDSON:

Well, there's a slew of auction houses throughout downstate Illinois which sell a little bit of everything. You may call it art, I may call it junk; you may call it junk, and I call it an antique. Is it on the consignees designation whether it's art, antiques or otherwise that would qualify this, or is it on the judgement of the auctioneer that it is art, antiques, et cetera?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, I assume it is...those that are engaged in that business as these words are used in the Act. I don't know that they have such refined meanings that there is going to be any major dispute about that. You get art, antiques, furnishing, jewelry, gemstones, coins, stamps, et cetera, and again, I...I would point out to you that there is no penalty involved in doing any of this. The only thing you have to do is, in order to assure that your customers are not going to be cheated, you have to maintain the proceeds of the sale, because the person who does this is, indeed, acting as an agent, in a separate identifiable bank account. That's all there is that is required.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Davidson.

SENATOR DAVIDSON:

Well, one follow-up question then. That's all there is, per se, but if some auction house or auctioneer who doesn't understand the fine arts or the finite details of this Act would be found guilty, he's subject to a Class 4 Felony and a minimum fine of twenty-five thousand dollars. We're not talking about just, "that's all it is." You could have some poor, innocent fellow hung out to dry and bankrupt him. I

don't know how bad of disreputable auction houses you have in your area, but the ones who operate down here, I don't know of any consignee who hasn't received his money the same day of the sale. I think this is...bill may be worthy for a problem in your area; but to apply it State-wide, I don't believe it's worthy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Schuneman.

END OF REEL

REEL #6

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, when Senator Netsch brought this bill to the committee I voted against it for some of the same reasons that are being expressed here; and in all fairness to Senator Netsch, she has tried on various occasions to rewrite the language in this bill to satisfy me, but frankly, I keep coming up with the same kind of problems that have been articulated by some of the downstate members. I think that what we have here is a classic case of one Senator, or one area of the State, at least, having some irregularities; but, frankly, in the rest of the State, I don't really think this is a problem that needs solving, and when you solve the problem you're going to create additional book work, additional procedures to go through for a lot of businesses that I don't think need to be harassed by this particular kind of action. The Department of Registration and Education opposes the...the bill and I think that the bill should be rejected.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you...thank you, Mr. President. I think if you look at the fairly confined reach of the bill that it is not going to have the kind of problem that...that most of you raised. And again, I would point out two things; one is,

that there are people who, in fact, are being cheated out of the money that is due them when they consign goods for sale to an...a professional in-business-for-profit auctioneer, which is the only thing that the bill reaches. And I would secondly point out, that, again, deliberately it is not a regulatory scheme; it is not a licensing scheme; there is no fee; it is required only that a separate bank account into which these funds which are received, after all, in trust as agent, be maintained so that the...they will be available for pay over to those who have consigned goods to the auctioneer. I think it really is a very simple and nononerous bill, and I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 63 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 22, 2 voting Present. Senate Bill 63 having received the required constitutional majority is declared passed. Senate Bill 71, Senator Sangmeister. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 71.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Senate Bill 71 has been worked over fairly well at this point I think to...to salvage everybody's concerns on the bill. What this does is it sets up a separate fund that when we sell an armory in the State of Illinois the money is to go

into that fund for the purpose of new armories and new construction sites, whatever the guard may want. If you feel like the guard ought to be promoted, it's a good idea. There were some concerns that, particularly by members of the General Assembly, that when that money is spent again, that we ought to have the right to have the...the General Assembly should have the right to reappropriate that money and that is now in the bill. Senator Netsch had a problem that if, in particular, one armory in Chicago, the...the Chicago Armory, was sold that we ought to have the...she wanted legislative authority to but a...an approval or a disapproval on that, that's now in the bill. I think we've taken care of everybody's concerns on this. Senator Mahar and I are both on the National Guard Advisory Commission and we think this is good legislation. It helps promote the Illinois Guard. If there are any questions, I'll be happy to answer them; if not, I'd ask a favorable roll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall Senate Bill 71 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Sam. 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 2, none voting Present. Senate Bill 71 having received the required constitutional majority is declared passed. Senate Bill 80, Senator Welch. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 80.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill appropriates the sum of one hundred thousand dollars from the Public Utility Fund to the Department of Energy and Natural Resources in the form of a loan. The reason this bill is up before the CUB bill is that...79 was my CUB bill, it didn't get called and we moved the CUB bill off of No. 5 to No. 187. So, even though we haven't voted on this Citizen Utility Board yet, this is an appropriation of money for start-up cost for the Citizen Utility Board. The reasoning behind this is that the Citizen Utility Board in the State of Wisconsin has faced some trouble in getting started, and the purpose of this loan is to allow for the board to form, to do some printing and other necessary start-up costs. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DENUZIO)

Is there any discussion? Senator Rigney.

SENATOR RIGNEY:

One question. If you don't get the money together, then who's left holding the sack?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Welch.

SENATOR WELCH:

If you don't get the money back to pay the loan, it's the utility...the Public Utility Fund, but we're more optimistic than that, Senator.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right. Any further discussion? Question is, shall Senate Bill 80 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Leroy...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. Senate Bill 80 having received the required constitutional majority is declared passed. Senate Bill 87,

SB 87
3rd reading

Senator Rock. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 87.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 87 is an amendment to the Code of Civil Procedure, and it concerns itself with the amount of interest that will be granted to one who has suffered an injury and then is found by the court to be entitled to an award. It is protection, I suggest, for the rights of the injured party, which rights and party have then been vindicated. Before we get into a long dialogue, let me say what the bill says as amended, and I hope all the members have had an opportunity to read the bill as amended because we've all seen a great deal of mail and misinformation, frankly, generated. What the bill says as amended is that all civil judgments, after June 30 of this year, shall bear interest from a point one hundred and eighty days after the injury occurred or the cause of action accrued. Does not apply to any State or local unit or political subdivision or any school districts. It does not apply in those civil cases where by contractual arrangement the parties had stipulated to a different interest rate. It is subject to two major qualifications, two major qualifications. One is that where a party seeking money damages does not accept...does not not accept the written offer filed with the clerk of the court more than thirty days prior to the commencement of trial and where the plaintiff...prevails, but he does not prevail to the extent of an amount more than the total offer of settlement, you don't get any prejudgment interest. Secondly, it does not apply where

delay, if there is indeed delay, and we all know that in the course of the disposition of lawsuits there from time to time is delay caused by one party or the other, or perhaps the court itself, but where the delay is caused by the plaintiff, there is no interest for that period of delay, if the delay is caused by the plaintiff. It seems to me that those...if you take that basic statement, it makes eminent good sense because we are talking about judgments, that means a judgment after a verdict, that means the party has prevailed, his injury has been proved to the satisfaction of a judge and a jury or both. And what's the reason for it? The reason for it is that the injured party has been vindicated, and he has been found by a jury of his peers or a court to have suffered an injury for which he is to be compensated, and he ought to be compensated, I suggest, from the point at which the injury occurred. Because if I get injured next week and that injury is worth a hundred thousand dollars, and for reasons of delay or just court backlog it's not...the case is not finally brought to a judgment until five years later, I have been, I as the injured party, have been effectively denied that one hundred thousand dollars for the period of five years. And every one of us that has debts due and owing know that there's interest due on debts due and owing, that's all that this does. The reasons for it is, again, to protect the rights of the injured party, to make the plaintiff whole, this is the plaintiff who wins, this is the injured citizen who wins, is to make him whole by accounting for the defendant's use of that money during the period of the pendency of the trial. The other reason is obvious, because you say and rightfully so, why did it take five years? That's the point. It ought not take five years, and by virtue of the the enactment of Senate Bill 87, we can reduce the court backlog as it has been reduced, frankly, in the fourteen or so other States that have a similar provision. And we can

encourage settlement, and that, too, is the point, rather than afford the defendant, who in nine out of ten cases, at least, or perhaps ninety-nine out of a hundred cases, is represented by the insurance industry rather than affording the insurance industry the opportunity to set up as they do reserves and make a sizable income off of those reserves, we are saying, let's settle this thing right now, and there is no prejudgment interest in that event, as you are well aware, because we have heard and it's been proved in hearing after hearing, that investment income has no relationship to rates, so we should not expect that the insurance rates will go up, we are talking only about investment income. And, so, rather than making five years...in my hypothetical, five years investment income on a claim that is worth one hundred thousand dollars, perhaps they should have settled it two years out. This will encourage, I suggest, that settlement. And there ought not to be in a...an increase in the insurance rates, contrary to what has been at least suggested, because as everyone, I'm sure, statistically is aware, probably only four percent of all the lawsuits filed...civil lawsuits filed, in fact, go to judgment. And of the four percent that are filed, I'll bet you half of the time the defendant wins. So, we're literally only talking about a very small percentage of the actual amount of litigation that's involved. There has been some concern expressed editorially and I'm aware of that. "Plaintiffs can force delay after delay," they say in this editorial, "hoping to inflate the damages they may win." Doesn't apply under this bill. There is a specific provision to not afford the plaintiff interest for the unreasonable delay caused by the plaintiff. "Can also raise the cost of doing business in Illinois," this editorial says. Why should it? I don't know why it should. The statistics appear to be otherwise. "Defendants who are falsely accused would be intimidated in exercising their right to go

to trial." I just don't believe that one. And in addition, it's an incentive to file lawsuits immediately, because the bill as originally introduced in the House and in the Senate called for the interest to run from the date the complaint was filed, and so the argument was, if you don't file the complaint on day one, you're somehow losing that amount of interest. This specifically says, "The interest will start at a point one hundred and eighty days or six months from the date the injury occurred or the cause of action accrued." So, there's a six-month period there where there can be proper investigation, proper evaluation by both sides as to what the extent and the nature of the damage is. I think there's been a...a lot of misinformation, unfortunately, bandied around. We have all heard, and I, in particular, have heard a great deal from the medical profession. In the village in which I live happily enjoys the presence of a number of the members of the medical profession and they apparently have had it made clear to them that this will, obviously, cause an increase in their medical malpractice rates; and I say, no it won't or at least, no it shouldn't. Because since 1978, after we went through what we all experienced that trauma called medical malpractice, the Illinois State Medical Interinsurance Exchange has earned premiums of two hundred and fifty million dollars, and at the same time, they have paid out forty-two million dollars in claims; two thousand four hundred claims at an average of seventeen thousand dollars a claim. They've had investment income, in 1982, of 26.9 million and have paid out only twenty-two million in claims, plus sixty-three million in earned premiums for '82. The total number of medical malpractice trials in Cook County since 1978, since we passed that medical malpractice legislation, is only twelve hundred and seventy-one. Of that number, only thirty-nine were decided in favor of the plaintiff, and with a track record like that and with the

assurance that we've heard time after time from the medical society, that fully seventy-five percent of the claims against the medical profession are not vindicated, it...it's hard to understand how that kind of track record could cause, as has apparently been alledged by the insurance industry, a fifty percent or better increase in the doctors' premiums...the facts simply dont' bear that out. I think there has been much misapprehension about what Senate Bill 87 is all about; and if you read what it says as amended and understand the reason for it as amended, it is to protect the vindicated right of the injured party. This injured party has won, a judgment has been entered, and it said that on a date certain you suffered an injury for which you are to be compensated, and since we have utilized or someone has utilized that amount of money that is legitimately due and owing for a period of years you are entitled to the interest that you otherwise could have earned. It is a good bill. It protects the rights of the injured party and at the same time promotes and encourages less litigation and early settlement of litigation already in the hopper. I urge you to protect the rights of the injured people of our State in every civil case, and I urge support for Senate Bill 87.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the passage of Senate Bill 87. Is there discussion? I have Senators Fawell, Keats and Sommer, Geo-Karis, Bloom. Senator Bloom, as a cosponsor would you prefer to go? All right. Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President and members of the House. I happen to serve in this committee where this bill came up. I am not a lawyer, but I was married for thirty years to a man who worked in this field, both as a lawyer and a judge, and listened many a night to what his complaints and problems were concerning this. I would like to tell you some

of the facts that we received when we were in the committee. First of all, most of the cases that we're talking about are not hundred thousand dollar cases; the average case, an eight thousand dollar case when it comes to judgment. The sponsor is...is right in the fact that there is a very, very small percentage that actually go to either the judge or the jury. When they do go to jury, there has been a study from the University of California that has imperial data that says that the juries in Cook County indeed do take into consideration the amount of time that it took that particular case to come to judgment, so are we really duplicating what already is being done by the juries themselves? What are we really trying to accomplish? We are trying to get the schlock insurance companies to settle is...what the...it boils down to. There are other ways of handling this. I think first of all we ought to have the Department of Insurance look at some of these insurance companies that are not willing to settle. I think we also should talk about why are the judges allowing as many continuances as they do? In my county they don't. And consequently, most of our judges have their trials finished by the end of two years. There have been bills introduced that would make the judges put into the file why they are constantly giving a continuance on a...on a case. Most judges don't like to put things in...into files. I think if there were a rule, a court rule, that forced them to do this after the second or third continuance, I think this would clear it up. I have talked to members of the Chicago Bar Association, they admit that this is the biggest problem they've got, and I think we better take a very, very close look at this because what we're doing is we're saying, in...almost in effect, that you're guilty before you're proven innocent, rather than the reverse.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I will be mercifully brief. I'm just going to raise two little points to think about. Remember, this particular case does deal only with a very small group of cases, a very limited number of attorneys and plaintiffs, et cetera. We are really talking, as I think we're all aware, basically the bigger bucks cases, the smaller case do not tend to run for as long. We're talking, number one, a small group, and so I...I really say...I would have more confidence in the intent of the bill if there were two technical differences. One, in terms of...of the interest. If the representing attorney received his fair share of the award as his contingency fee or based on an hourly, whichever way it's going, and received simply that for the work done, then I would say, no problem; but by then adding a certain percentage of the interest to the attorney's fee, what we are saying is, that money that will come out in the award did not belong to the attorney, that individual is not losing the money, that money belonged to the individual involved in the lawsuit and if a hundred percent of that interest went to the person who the money belonged to, I would say it is a reasonable case, but what we're seeing here in these large dollar amount cases, we are simply now finding a new way to increase the level of money involved. And for that reason, I just sometimes feel that it's simply a new way to increase fees rather than simply a method of...of insuring a speedup, 'cause our problem is not really the awards. Our problem is the fact that the court system has been doing a very poor job, and I'm not sure that this will solve the court problem which is far greater than any specific amount of awards involved.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President and members. It would seem to me that when the medical profession came to this Body some years ago and established their own insurance company because of their...their difficulty in obtaining coverage that they'd want to provide two things, they'd want to provide insurance for their members at the most reasonable rate they could find; and secondarily,... provide a company that's actuarially sound. In 1982, this particular company had an overrunning of liabilities over assets. That is, they paid out approximately ten million dollars more than they took in. Now if we assume that a major medical malpractice case would take four or five, six years to settle if it went through all the procedures in the courts, it would seem that those judgments would rise thirty percent, forty percent, whatever, and in order to continue to have the company in a...in a position that would be actuarially sound, the premiums would necessarily have to go up. It...it's an argument that follows in logical progression if you make these assumptions, and I think the assumptions that I've made are...are the ones made by the insurers, not only of the medical profession, but...but all insurers in the State as this applies to almost every kind of suit imaginable.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think the...this bill grew out of the fact that many insurance companies have been very derelict in paying their claims as promptly as possible. However, I don't think we should throw out the baby with the...the bath water, and if...it's probably to my detriment not to support this bill because I am a trial lawyer. But there is one thing that bothers me, we don't get prejudgment interest in anything else, and although this bill provides it for everything including per-

sonal injury cases, it's a double-edged-sword. I don't think it's right to have prejudgment interest unless it's actually from the date of judgment...interest should be from the date of judgment. The...the way this bill is drafted, and all due respect to the sponsors, if you should be the defendant and have a judgment against you and you want to appeal it, and you do appeal it, an appeal...an appeal takes six months or a year, all right, and you lose the appeal, you did everything to try to protect your rights, then your prejudgment interest starts from the date of the entry and goes all the way up. It's a double-edged-sword. It doesn't just affect personal injury cases, it affects anybody who has a business, any manufacturer, or any farmer, anyone, I don't think this is the right approach. The right approach should be a thorough investigation in the...insurance companies that do handle casualty insurance and find out whether they've been adrift on us, and then penalize them if they're not prompt in their payments. I would have felt much better in supporting this bill if they had, let's say, a ninety-day penalty after judgment was confirmed and the...the insurance company who is behind the defendant in...in the personal injury cases had not paid. But I don't think this is the right approach. I think it's wrong, wrong, wrong, and I say it to the detriment of my profession, and I've been a trial lawyer for many years.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom:

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators, I'll try and be brief. Senator Rock gave portions of my talk, he covered the waterfront and did it quite well. Tell you why I rise in support, but first I'd like to respond to some of the arguments made by some of the prior speakers. First, the arguments of the prior speakers generally focus on the war

between the trial lawyers...the tort war between the trial lawyers and the doctors; and if this indeed were just the war between the trial lawyers and the doctors, I would be with the doctors as I have been in the past...as I have been in the past supporting them when they attempted to setup and did setup their own malpractice insurance, but this covers all phases of litigation, and it's the most even-handed and fair approach that you can take. I have found that there are many smaller businesses that are due and owed money and that the larger operations for whom they provide goods or services will say, yeah, we owe you the money but take us to court and sue us. Now in these times of...of recession where your small businesses have cash flow problems, this exacerbates the cash flow problems, and when we had the interest rates the way we were, the big guys were taking the money that rightfully, and we're...I'm talking liquidated damages or bills due and owed, and making money in the money markets at the expense of the smaller person, so you have to keep that in mind. The other assumption that I think is fallacious is that it's just limited to the big bucks cases, I think one of the prior speakers said that. That is not the case. Many, many courts have LM cases or small claims cases. There's a tremendous, tremendous backlog there. This will provide a mechanism for people who are due and owed money, or who are injured, in a smaller manner, to force some of their recalcitrant defendants to settle before the filing of a lawsuit. Finally, those of you who are attorneys understand, again at the low end, your PD, property damage cases, where the adjuster says, you're right, you had one thousand dollars worth of damage to your car, but we're going to pay you eight hundred bucks because it would cost you two hundred bucks to go to court and vindicate your rights, and I submit to you, Ladies and Gentlemen, that that is wrong. That is the practice now and that is wrong, and I believe Senate Bill 87 goes

a way towards remedying that. I see no reason why we cannot, and I would urge all of you on both sides of the aisle to support this. Thank you, very much.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and members of the Senate. When I was first approached about this idea of prejudgment interest by its proponents, mainly the trial lawyers, I found the idea somewhat appealing and said I thought that I might be able to support it, but there are problems with this bill that cause me to rise at this time in opposition. I...I, too, am a lawyer and occasionally do trial work; I, too, am a member of the Judiciary I Committee that heard very extensive testimony on this issue, in fact, I think probably more extensive testimony than on any issue that we've had before us this Session other than the income tax. The problems that I...I see with it are basically three-fold. For one, I think we're...we're coming at a problem with a meat axe. The problem that I see is occasional delay...unjustified delay caused by the defense in some of our trials, caused by some of our insurance companies, but not by any means all of them, in any cases the delay is justified. In complex cases, discovery can take a very long period of time, and it's...it's simply not reasonable to expect that the defense can immediately come to a determination of what a case is worth and to settle it on that basis. For that reason, I think it might make some sense to give...to have a bill which gives courts discretion to award prejudgment interest in cases where delay on the part of the defense is unjustified but, of course, this bill would have it awarded in...in every case except...except settlements or except where an offer is...is made which exceeds what the plaintiff eventually receives in the way of a judgment. Secondly, I had suggested to the

proponents of this legislation that in all fairness if...if the aim is to provide an incentive to settle, that we ought to have...that we ought to have symmetrical provisions which would apply on the other side. That is, we ought to have a provision which would...which would say that if you're going to award prejudgment interest in a situation where the plaintiff...receives an award greater than any offer that the defendant ever makes; then on the other hand, where there is a situation where the plaintiff refuses to accept an offer that is more generous than what the plaintiff ends up with, in the way of a judgment, that the plaintiff ought to be held liable for costs, however defined, for costs incurred after that more generous offer on the part of the defendant is made. In this way there would be an incentive for the plaintiff to...to settle the case in the...in the same way that we're attempting to impose an incentive on the part of the defense to settle by...by hanging over the defense the sort of...of potential prejudgment interest. I don't think there's any...thirdly, I don't think there's any disputing that prejudgment interest is going to provide some additional incentive for the defense to settle, but I...but I ask you, at what cost? For if we, in fact, we do not have symmetrical provisions potentially holding plaintiffs liable for costs where they refuse to accept a more generous offer from the defense, then the only incentive is going to be on the part of the defense and not on the part of the plaintiff, and we're going to be ending up adding additional costs in the way of insurance which are going to be reflected in a variety of ways which will ultimately impact on our consumers. I...again, I don't see this...as others have commented, I don't see this as simply a battle between...between trial lawyers and doctors or trial lawyers and the business community, I see it essentially as a consumer issue because if it's...if it's one-sided, as the bill, I feel, presently is,

then the consumer is going to end up picking up the tab, and all of you who are interested in consumer protection should be opposing this bill. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR SCHUNEMAN:

Senator, if in the case of an award by a court the prejudgment interest is allowed, would it be allowed on the entire amount of the award?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, members of the Senate, it's been pointed out to me that that probably...in many instances, would not be at all fair, because in thinking particularly of automobile accidents, personal injury cases where a part of the award is often for an amount of money to be earned in the future; in other words, loss of wages in the future. Many times an award is based on medical expenses that were accrued over a long period of time. Those expenses were not accrued as of the date of the injury nor one hundred eighty days after the date of the injury but rather many times would be accrued in the future. Doesn't seem to me to make much sense to pay interest on an award for future loss of earnings from the date of the occurrence of the event, and I really don't understand why the sponsor has chosen to choose this partic-

ular approach to prejudgment interest. I understand that there were committees of the Illinois Bar who were suggesting some other approaches, and while I'm not an attorney and feel somewhat...a lot of trepidation in...in trying to even address this subject with some of the good attorneys on the Floor, I do think that that's a valid point and ought to be considered. The other thing that has been interesting to me as I have listened to this debate, it seems to be characterized as one between the attorneys on one hand representing the injured people and the big, bad insurance companies on the other hand. It's been my own experience in settling and watching these cases settle that if it can't be settled by the insurance adjuster, quite often then it's simply put into the hands of another attorney. So, what you really have, if you want to blame anybody for a delay, blame the rest of the profession. You know, you've got two attorneys, one representing the injured party, the other attorney representing the insurance companies, and they're both, to the best of their ability, working the court system, and as...rather than the case of insurance companies being in there with their own people, making their own decisions; more often, they are reacting to the advice of their own legal counsel. I think the bill has a...a lot of problems. I don't think there's any question but what if it passes, it's going to increase the cost for all consumers, and I'm going to be voting against it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

A question to the sponsor, if he will yield. I know, Senator Rock, there are some other states which have adopted some form of prejudgment interest. Do you...if you do know, could you enlighten us as to whether or not those other states have adopted it in a form like this or in, perhaps, a

more limited form? And secondly, if you know, what has been the experience in some of those other states with respect to court delay or any of the other aspects that have been raised?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

My information, and I have a report to which, I'm sorry, I do not have in front of me, it's in my office, that there are some fourteen states that have this, New Jersey, Ohio, Michigan and California come to mind, in a substantially similar form; but, frankly, not quite as refined as this. We looked at their...their laws, of all fourteen, and I, at least, attempted to pick out the better elements of each. And statistically, it...it is sound and fair to say that the backlog has been reduced where this provision is available.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I rise to speak in support of this bill. Senator Schuneman has expressed the idea that perhaps the insurance adjusters are not able to settle these cases. The cases then go on to attorneys who then delay the cases. I would just like to say that perhaps by enacting this law, by requiring interest, this would get the insurance adjusters to begin to make some reasonable offers to settle these cases, instead of trying to force plaintiffs' attorneys to go to trial. If you could short-circuit the system at that point in time, you are going to be saving the consumers money and, perhaps, as much as you are going to cost consumers by the alleged increases in insurance rates. If we can free up the court system by allowing judges more time to handle other cases, and certainly it's difficult nowadays to get into court with divorce cases or any other type of cases, perhaps

we can use fewer court personnel and I think that consumers might actually end up benefitting from this legislation. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of this bill. Let me share with the members of the Senate one question and one answer that was asked in the Judiciary I Committee. Of the representative from the largest automobile insurance writer in the State of Illinois, a man who I have great respect for even though he took the opposite position on this bill, I asked him the following question, in his opinion, would the enactment of this bill reduce the backlog of cases presently pending? His answer was, yes. I think that speaks for itself. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll attempt to be brief, but again, I'm afraid that the discussion and debate has intertwined in it some misinformation, some misapprehension. Under Illinois law, the question of interest is not an element of damages, it's against the law. Now I was aware of the Band Study, and took the time to read some of it, and they surmised that perhaps some juror said, gee, the poor guy was...had his leg cut off five years ago and five years ago, perhaps the dollar was worth a little more than it is today, so we ought to bump it up a little bit. That's human nature but legally it is not an element of damage and so thus cannot be considered; the Band Corporation Neutral Study on behalf of the insurance industry to the contrary notwithstanding. And I agree with Senator

Bloom's response to Senator Keats, we're not just talking about the big cases. When you get fifty-five people going down in an airplane, that's not involved in this kind of stuff because that will never go to trial, you and I both know it. What we're talking about here is something that Senator Schuneman almost inadvertently hit upon, that one individual, an injured party...and we keep forgetting about the injured citizen, we are so overwhelmingly concerned with the insurance industry and we are so overwhelmingly concerned with the medical society, we forget about the poor injured party. This is an individual who was suffered damage in a civil sense, either to his person or to his property, and he has been vindicated and he is to be compensated. And if I, as a businessman, deny the use of Senator DeAngelis'...his money for a period of five years, when I pay him back, I ought to pay him interest. That's simple, good business and to say otherwise is wrong. So what happens is, when I suffer an injury the claims adjuster comes out and says, well, that's worth two hundred dollars, thank you, very much; and, in fact, it's worth eight hundred or a thousand. But he's not in any hurry, he's under no mandate from his boss, the insurance company, to hurry up and settle claims and pay out because all that money is sitting there in reserve. They have to file a big report with the Department of Insurance and say, gee, we're got twenty claims that are worth two thousand apiece, so we got to file X amount of money away. It's...it's gaining interest. It rightfully belongs to the injured party, but it's sitting there garnering interest, and that's fine. That's the free enterprise system. What about the injured party? When does he get his money or her money? And the overwhelming concern about malpractice, it's the smallest percentage of litigation in the State. In Cook County, since 1978, one hundred and twenty-seven malpractice claims...suits have been filed. Nobody is tinkering with

anybody's right to appeal, nor are we taking, I suggest, Senator Barkhausen, a meat axe approach to delay. Everyone admits that if you take a hundred dollars that ought to rightfully be...be paid to an injured plaintiff and invest it at today's rates, five years from now you're going to have a significantly more than a hundred dollars that you invested five years ago, and that's what the insurance industry is interested in. And all we're saying is that at some point between point A and five years out, the injured party has a right to his money; and once the injury has been proved and the damages have been assessed, he has been effectively denied the use of that money because of this interim delay and he ought to get interest on it. I...I urge you...think of the rights of the injured party; forget all this extraneous stuff, trial lawyers, and medical society, and malpractice, and insurance, the rights of the injured party. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 87 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the...take the record. On that question, the Ayes are 14, the Nays are 41, 1 voting Present. Senate Bill 87 having failed to receive the required constitutional majority is declared lost. Senate Bill 89, Senator Maitland. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 89.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

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

Senate. Senate Bill 89 changes the guaranteed equalized assessed valuations to fifty-six thousand one hundred and one dollars and three cents per unit districts; eighty-six thousand two hundred and eighteen dollars and forty-two cents for elementary districts; and to a hundred and forty-eight thousand nine hundred and twenty-two dollars and seventy-three cents for high school districts to conform and bring that to the guaranteed level that we are now using...at sixteen hundred and thirty-eight dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 89 pass. Those in favor 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. Senate Bill 89 having received the required constitutional majority is declared passed. Senate Bill 94, Senator Watson. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 94.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Senate Bill 94 amends the State Salary and Annuity Withholding Act to allow State employees or annuitants to authorize deductions from their salaries or their annuities for deposit in savings or retirement accounts. This bill, of course, was heard in the Finance and Credit Committee and there has been some opposition from the Comptroller's Office. We met with the Comptroller on several different occasions, we came up with one amendment which deletes withholdings for checking accounts

and limits the deposits to those institutions licensed to do business in Illinois, and we also limited it to...licensed institutions with...with a hundred more participants. Then another amendment was added to opt out the universities. Like I say, we tried to direct ourselves to some of the objections of the Comptroller's Office. We haven't totally satisfied the Comptroller at this time, but we have made an effort. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I hate to disagree with the sponsor on at least what it sounds like has happened with the Comptroller's Office. No, the Comptroller is not supportive of this legislation. It would be extremely costly to his office; not implementable at this time without a significant increase in the budget, anywhere from eighty-five thousand to a hundred and fifteen thousand. Yes, the sponsor did take out some of those who would have probably voted No on the bill unless they got taken out, and that does make it a little bit less expensive by taking out those systems, we all try and deal with legislation that way, but the vast majority still creates havoc with the system. Look now at your check and see what letter of the alphabet we're up to already. While the check itself is very small, the alphabet is very large, and we will be out of alphabet soup to go this route. Worse than that is the cost to the people of the State of Illinois of providing this bifurcated, trifurcated, or quadfurcated, or whatever system. It's not a question of sending the checks here or there. It's a question of taking out a little bit from this and sending a check, a little bit from that and sending a check, neither the employee nor the receiver of these funds is willing to pay for that. Now, the Comptroller is going to an

electronic transfer fund system. Once that is in place, probably within the year, this may be doable at no real extensive cost, but we won't know until we can develop that system and put it in place. Right now, it's a burden on the State's resources that cannot be met and for no real reason. Let the employee take this check, put it in his account, and pay out whoever he wants to from it, but not to take part of it and say to the Comptroller, you pay it and let the people of the State of Illinois pay for that and pay this to so and so and that to so and so, and let the people of the...of the State of Illinois pay for all of those expenses. I think it's a bad idea at a time when we can't afford it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Watson may close.

SENATOR WATSON:

Well, thank you, Mr. President. I want to reiterate that no time during my testimony did I say the Comptroller's Office was in support of this. We did try to address some of the problems that...that they have, but we were not able to satisfy them, although we did...we did..try to approach it. I do have a copy of my stub with me and we are up to letter "T" and I guess with Senator Sangmeister's bill we're going to be going further with...with charities, and Senator Sangmeister did mention that the Comptroller's Office was not in opposition to his particular...proposal. The...we now deduct for such things as, of course, Federal Tax, State Tax, Social Security, retirement, optional State health insurance, any other insurance, union dues, charity, association dues, savings bonds, tax sheltered annuity, meal allowance, maintenance, deferred compensation, wage deductions, university payments, payments into the credit union fund in which that's actually all we're doing here is expanding the...the program from credit unions to financial institutions, insurance companies and others, and we also for the Secretary of State

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for parking in the garage. Now, I'm sure that these are all laudable rationale and reasons for deductions, but I question some of them; and to oppose the fact that we want to allow a State employee the right to establish a savings account in a time when a real crisis is going on in our country, and that's in the area of savings. People simply aren't saving, saving for the future. This would allow them to do so and it would allow them also to get involved in retirement accounts, another important aspect of...of savings for our country. This...also, by allowing the institutions to accumulate more dollars, this would make more money available for loans, such as the housing industry, automobile industry, which is another crisis situation in our State, and with the...and with...with good reason, there's a possibility this could affect interest rates and help lower interest rates. I see no problem with this. I believe it's a good piece of legislation and I would certainly appreciate...an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 94 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 29, none voting Present. Senate Bill 94 having failed to receive the required constitutional majority is declared lost. Senate Bill 99, Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 99.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

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

Senate Bill 99 needs no explanation, but perhaps just a little reminder. The House, incidentally, has passed a similar piece of legislation increasing the exemption by fifteen hundred dollars, as my bill originally was drafted. We reduced it to a five hundred dollar modest increase in the exemption after calculating the new multiplier in Cook. There are about two million homeowners in Illinois, about one million of whom are from Cook; and if your home is valued in Cook County at about sixty-five thousand dollars, this will save you the increase in the equalizer which has gone from 1.8548 to 1.9288 projected and it'll save you about that difference. It's modest, it's realistic and I think it's fair for the homeowners in Illinois. So, I urge you and I commend it to your constituents to go home this weekend with a little tax relief, and I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. I've had a battle going on with the homestead exemption and I will not ventilate all my displeasures with it, but I do resent when on my tax bill it shows this is what I would have paid had it not been for the homestead exemption. The fallacy with that is that...are home rule units as Cook County, as many of the municipalities in my area, you, in fact, are not saving that amount that's indicated on that bill. Secondly, if you happen to be in a unit of government like the one I live in, municipal government, and you do have a tax rate, what usually happens is you wipe out any opportunity...and it's...and the town of Olympia Fields is exclusively one hundred percent residential. You wipe out any opportunity for that unit to govern on a responsible basis because the homestead exemption continuously wipes out any opportunity for

them to get any increase to run their government while we allow Cook County and other units, or if you're in a town like Park Forest, which is almost a hundred percent residential, but it is home rule, you lower the EAV, the tax rate goes up, the city collects the same amount of money and there is no relief, except that Stanely Cuspra has a ball saying that Park Forest has the highest tax rate in all of Cook County. Now, let's take another town in my district, the town of Chicago Heights, which is also home rule but basically industrial; and granted, we have lowered the assessed valuation on the residential taxpayer but you have shifted it completely to the industrial members of that community because, once again, they levy by dollars. I do not oppose tax relief, Senator Egan, but the homestead exemption lacks three things: one, it's not the way it's represented on the tax bill; two, it doesn't fall fairly for all the people; and three, it doesn't eliminate the taxes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Etheredge.

END OF REEL

REEL #7

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I, too, rise in opposition to this bill. I think Senator DeAngelis has pointed out that to an extent this form of tax relief is a sham because in those instances where the local units of government have flexible tax rates and can raise them, they simply use the higher rate on...against the reduced assessed evaluation to generate the same number of dollars. So, in that instance, the relief is a sham. However, in other instances where the local...unit of government is levying at the maximum and cannot raise it, and that generally...would include the various school districts, then their revenues are reduced. So, I would suggest to you that the...the net effect of this...the passage of this kind of legislation is to take money away from our schools. I have a question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

We...we do not have a fiscal impact note on this bill, Senator Egan. I would...I would appreciate...knowing what that might be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

There is no cost to State revenue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

I...I meant with respect to the local units of government, I'm sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

It's...it's...no, I don't have the calculation, but the...within the quadrennial reassessment you can just about guess that the increase in the market value in that...in the latest quad will every bit of the way make up for it. So, I don't know, I just...I don't think it has an impact.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you. Senator Etheredge, I think, touched on what I was going to ask. But basically what I would like to hear again is, just how much are we, on this date, giving up with this fine gesture that we're making? How much is it costing, say us, in State Government?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

It...it has no direct impact on State Government, Senator. As a matter of fact, the...what it does is...is take the equalizer and afford the homeowner less contribution to his...and through his taxes to his local school district that should be paid for by the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

In effect, another one thing it does, it let's us take credit, and this is what the inference is, I could go home and tell people I am now saving you five times six dollars, thirty dollars I'm saving you and that's not true. I think this is a...is very magnanimous of us to reduce the tax, but we're not doing anything except reducing the tax at the local level; to make it up, they're going to have to increase it.

We're not making any savings, we're not saving one nickel by doing this. We're not reducing the school budget; we're not reducing the county budget, the park district budget nor anyone else's budget. All we're doing is saying, you're going to get along on fewer dollars and then we're taking credit for a tax reduction. I think it's a little bit of a sham.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Further discussion? Senator Egan may close.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. I didn't think we'd get this much discussion about the bill, we've kicked it around long enough. What I do want to remind you is, and those of you who defend the...the rate cap that the increase in the market value of property in this State has dramatically gone up and up and up for the last, at least, ten years. And I didn't hear anybody...who cried about rate caps when the base of...of their assessment increased and they did not have to raise their rate and yet they spent more and more and more money. The fact is, this does save the average homeowner about fifty dollars, that's the true fact of the matter. No matter which way you put your mirrors in opposition, the fact remains that especially in Cook, those of you who live in Cook, you will save your homeowners about the same amount of money that the State wants to increase their taxes by, if I can say that in that way. And I urge your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 99 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 23, 1 voting Present. Senate Bill 99 having

received the required constitutional majority is declared passed. Senate Bill 108, Senator Zito. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 108.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. I live in a district that has a number of small industrial businesses and small commercial businesses, and every time I speak to a chamber of commerce or a meeting of small businessmen they constantly tell me that the State of Illinois is not doing enough to help the small businessmen; that the labor unions certainly have a big lobby and protect labor issues; that the corporations certainly have their lobby and protect corporation's point of view, but nobody does enough for the small businessmen in the State of Illinois. So I introduce Senate Bill 108 which creates a State corporation for innovation development. The corporation would be empowered to sell stock and make investments in small businesses. Senate Bill 108 is intended to alleviate the shortage of money that severely threatens the existence of the small businesses in the Illinois. With small businesses comprising over one hundred and ninety thousand of the two hundred and twenty-one thousand eight hundred registered businesses in this State, I strongly feel that some assistance could alleviate the unemployment problem and significantly increase productivity. I would urge a Yes vote, and I'd be happy to answer any questions on Senate Bill 108.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I...I think I'm supposed to rise against the bill except it came out of committee on a 9 to nothing vote and I voted for it, so I should mention the one problem and tell you I'm still voting for the bill though. This effectively triples the maximum amount of tax credits allowable to private investors under this bill from five to fifteen million over three years, which is what the amendment does. Now, it...it does reduce the tax base. I mean, we have to be aware, we're reducing the tax base; but, you know, this is what they sometimes call tax expenditures, you got to decide where you want the money to go. I don't know that I consider this unreasonable; so I, you know, personally I'm going to vote for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? The question is, shall Senate Bill 108 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 6, none voting Present. Senate Bill 108 having received the required constitutional majority is declared passed. Senate Bill 124, Senator Berman. Is Senator Berman on the Floor? Read the bill, Mr. Secretary, please. Senate Bill 124, on the Order of 3rd Reading, page 3.

SECRETARY:

Senate Bill 124.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Well, thank you, Mr. President and Ladies and Gentlemen

of the Senate. This bill authorizes the State Board of Education to make grants to qualifying school districts for...implementation of computer literacy programs. This is the bill that deals with a greater access throughout the State of Illinois for schools in the high tech area. We have an amendment to assure that the nonpublic schools as well as the public schools participate in this important program of high tech and computer literacy. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise reluctantly in opposition to Senate Bill 124. I supported the bill in committee, thought it was a good bill, I think it made it a better bill than what the State Board was doing last year. Now we are extending it to the nonpublic schools and I guess what concerns me, number one, is the fact that at this point we don't know for sure, and I guess this is a question of the sponsor, we don't know, Senator Berman, at this point, really the total amount of the grant request for last...for this year. Is that...is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

In the State board's budget there's a million dollars in there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

...I'm sorry, there are a million dollars in grant requests?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

No, there's a million dollars in their appropriation request.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

I...I'm sorry, I didn't make myself clear. The grant requests are now in, that will reflect the five hundred thousand dollars. My question is, are the grants far in excess of five hundred thousand dollars, are they two hundred thousand dollars, where are we on...on this year's grant applications?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I...I know what you're asking, whether the...the requests succeeded the amount that we'd set aside last year. I don't have that answer. They funded it up to the extent of...of the appropriation. I don't know to what extent there was an excess, if any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

All right, is...is there...is there a limit on the grant application, can you answer that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

No, it's my understanding that the State board will make the grants based upon the appropriation available.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes, but there...okay. My...my question then...then is...they're not going to simply approve all grants and then prorate it? What you're saying is they're going to pick and choose which grant applications are accepted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I'm advised that the State board has indicated that their...that the grants are in...in...increments or in amounts up to twenty thousand dollars is what they've...what they've advertised those RFP's for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland.

SENATOR MAITLAND:

Yes, thank you, Mr. President. Then the maximum grant...the maximum grant would be twenty thousand dollars. A school district could, in fact, get twenty thousand dollars. So they will not be prorating in all likelihood; but more than likely, some grant applications will be rejected in total...even on...even this year?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I don't know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I...I really regret that I have to oppose the bill. I think that in a new program like this where we simply don't know, five hundred thousand dollars probably isn't enough money for this program, and to extend it to a whole new area, this year, with the uncertainties that we have with the program; now, I just think is bad...bad public policy and I...I just believe we must oppose

Senate Bill 124.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you. All this bill does is to put into statutory authority a program that was started last year. There is an additional request pending for...for funds to bring this to school districts throughout the State. This is for computer literacy and high tech competency. This is certainly the step that every one of us wants our schools to take. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 124 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Leroy. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 12, none voting Present. Senate Bill 124 having received the required constitutional majority is declared passed. Senate Bill 131, Senator Bruce. There leave...leave to have Senator Bruce handle that? Leave is granted. Senate Bill 131.

SECRETARY:

Senate Bill 131.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. As amended, this appropriates nine million four hundred and forty thousand dollars to the Auditor General, a decrease of five hundred and forty-six thousand dollars and I would request a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? All those in favor...the question is, the...passage...the question is, shall Senate Bill 131 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 131 having received the required constitutional majority is declared passed. Senate Bill 139, Senator Zito. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 139.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. Senate Bill 139 is again trying to address the problem of unemployment and revitalization of Illinois' economy. It was months of long work with my local chamber of commerces, local businessmen, local labor unions, community colleges, and...and many, many people have had a hand in this bill. It's very similar to a bill we passed yesterday on a unanimous vote which was Senate Bill 1002 for high impact training services. I believe the job training in Illinois has been inadequate, at best, and has not begun to meet the retraining problems demanded by recession and our changing economy. Job retraining and retraining has suffered from two problems, inadequate funding and failure to focus job training on real job opportunities. Despite massive unemployment and decreasing Federal funds for job training, State support has not even kept up with the inflation. The legislation I propose today is intende~~d~~ to

correct some of these problems and to help the State begin to cope with the retraining needs of its unemployed worker. This proposal institutionalizes into Statute and expands in terms of responsibility and funding the High Impact Training Services Program or HITS as it is commonly referred to. The HITS Program was established in 1978 by the Illinois State Board of Education. The Department of...of Adult Vocational and Technical Education assists local education agencies to bridge a gap between their long-term, in school-vocational training programs. It's important to note that this legislation that...I have introduced today does not create any new bureaucracy nor does it expand an existing one. There are no provisions for new staff people or administrators. The administration and operation of this program remains exclusively local in nature with local community colleges and vocational schools working in agreement with businesses, local governments and/or employee organizations for retraining of the unemployed. The HITS officials simply sanction the retraining programs and...approve and distribute the grants. While I know this legislation does not solve all our retraining needs, it is nonbureaucratic, it has local participation and I am hoping for widespread bipartisan support for this legislation as we saw yesterday, and I...I would ask for a favorable vote.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 139 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 4, 1 voting Present. Senate Bill 139 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 168. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 168.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 168 is a bill that will prohibit the disposal of...liquid hazardous waste in a landfill that have the ability to permeate or deteriorate; also directs the EPA to determine those wastes that shall be...be prohibited from landfills. It directs the Pollution Control Board to issue regulations to implement the Act. The effect of this is as soon as the final rules are issued by the Pollution Control Board. There was a very controversial amendment, Amendment Number 4...Amendment No. 3, that had been placed on this bill which was subsequently Tabled. And as of this moment, the concept of this bill is being supported by the Illinois EPA, the Environmental Council, the League of Women Voters. The Pollution Control Board seems to be satisfied with...from the perspective that we've allowed them more time to develop rules and regulations from which to...which to...to be issued. The bill is...has the effect that will prohibit hazardous waste from being deposited in landfills and I would be available for questions.

PRESIDENT:

Any discussion? Senator Rigney.

SENATOR RIGNEY:

Question for the speaker.

PRESIDENT:

Sponsor indicates he'll yield, Senator Rigney.

SENATOR RIGNEY:

Is it true now...sometimes these bills are kind of like a

revolving door and we've got to catch up with just where we're at. Is the only thing left now on Senate Bill 168 is just Amendment 2? Has everything else been taken out?

PRESIDENT:

Senator...Senator Demuzio.

SENATOR DEMUZIO:

Yes, the revolving door...I don't think there was an amendment put on this bill that you were not spoken to prior to. Amendment No. 2 is the only bill that is left on this bill at the current time.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Okay, so now we're talking about Amendment 2 to...to Senate Bill 168. As I note down through here in some of the opening lines, we talk about, oh, about possibly five or six different criteria here. When we talk about prohibiting the dumping of any free liquid, we talk about its toxicity; its ability to persist in the environment; its ability to permeate clay, permeate synthetic membrane liner. Now, how do...I guess the question I'm coming to is that, if for instance, it would not pose a...a hazard, say with a synthetic membrane liner. Is that good enough or does this material have to meet the criteria of all five or six of these various criteria?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

This language was the Pollution Control Board's. Any one of those criteria would prohibit the...the landfilling...any one of those criteria.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Well, I appreciate that answer because I can understand your concern if, for instance, it would permeate the clay. But, if for instance a synthetic liner, which I understand is used in industry quite a bit nowadays, if that would prevent any problem, I don't understand why that would not be good enough. But the way you have answered the question is, you know, it's got to meet every one of these criteria or we won't be able to dump that product. So, I guess my only observation is, it's going to be extremely difficult, you know, if not impossible, to meet all of these various individual criteria. And I am, frankly, rather surprised that with your response to that question.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDENT:

He indicates he'll yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator Demuzio, I've written myself a note, a couple of weeks back, indicating that this bill if enacted would...in...in essence ban all liquid waste; and that the definitions that are incorporated in the bill, in what is hazardous and what is not, are very difficult to...to work with. Now, I'm trying to...I understand the bill has been amended and I'm trying to understand if the amendment has corrected that problem or...or not. And if it has, I would appreciate a little elaboration of how it has.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

The Environmental Protection Agency would maintain and retain the authority to exempt...certain waste. All right. They...on Page 2 of the amendment, they can exempt based on

the type, amount, or the environmental hazard presented by such waste streams. So, we do not prohibit everything, it's within the jurisdiction of the EPA to...to make that determination.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

So, it's the EPA that makes the determination as to what is hazardous and what is not?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Based on the Pollution Control Board's...its guidelines.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Senator Demuzio, I'm in a real quandary on this one. As I...as I read the bill, what you seek to do is prohibit depositing of hazardous waste after January 1 of '85, and that would make the people in Sheffield, Illinois pretty happy because we have...no...no, okay, tell me about it.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

You have the wrong amendment.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, let me pose my question then, Senator. At the Sheffield site, the hazardous waste, the toxic waste, have been migrating and have, in fact, gotten through the layer that EPA...and the barrier that EPA required be put in there. And so I have a concern about stopping that sort of thing and...and probably would vote for your bill on that basis.

The other side of the problem is, I have in my district, those few industries that are still working who rely upon such sites to get rid of hazardous waste. And it seems to me that on one hand your bill would solve my Sheffield problem but cause another one somewhere else because they couldn't get rid of their waste. Can you...could you respond to that kind of a situation?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

First of all, it's not going to help your current site because it's not...it's not retroactive; it has...it doesn't pertain itself to your current site. Secondly, the fact of the matter is, is that there is technology available that would bring about the neutralization or the burning of or those things that holdharmless hazardous materials. It is not new to the industry, it's been around for a couple of years, since...since Senate Bill 171 passed. So...just...I think, you know, the industry readily admits the technology is available, the Environmental Protection Agency admits it; this would in fact have been their bill had it not been for Senator Geo-Karis and I collaborating together on this legislation. So technology is available to bring about the banning of liquid hazardous waste in...in landfills.

PRESIDENT:

Further discussion? Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow members. A couple of brief questions of the sponsor and then a comment. Senator Demuzio, it is my...considered opinion with that of several...consultations with others that the process is upside down. You have the Pollution Control Board issuing the guidelines or whatever it is and then the agency where all the talent is...the agency literally has the staff and

the talent to...to make sure this thing goes. Was there ever any consideration that it should be the other way around?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

This was the recommendation of the Environmental Protection Agency working with the Pollution Control Board. This was the language that they had suggested.

PRESIDENT:

Senator Grotberg.

SENATOR GROTBERG:

To the bill, then, Mr. President. This morning's Tribune, I don't like to stand around and read and take up time in the afternoon, but it has to do with the big...outside of Denver, where one of our Illinois firms, they found thirty-three thousand drums leaking and the liner has busted underneath, and they pumped out fifteen thousand gallons over the week-end and it cost them thirty-eight...forty-eight thousand in fines, et cetera. Now, as we move along in this process of...of hazardous waste, I see there's a ninety day period for rags and a hundred and eighty days to announce whatever is going to happen; and I've sponsored so many of these bills with Senator Demuzio, I almost feel, Vince, if you'd let me become a hyphenated cosponsor now and keep working...for the rest of the month on it, maybe we can debug what is bothering some people to some degree and I would make that request. But RCRA is the Feds are going to take all the water and liquid waste out of hazardous waste from here on for the next thousand years. You've seen a director blown out of office in Washington, I don't care whether it's a Republican or a Democrat administration, the game is over. And I think that's what you're trying to get at with this bill, is to dehydrate or dewater or deliquify storage in the ground. And God knows

we don't need much more evidence that it has to happen. And with that, Senator Demuzio, may I join you as a hyphenated cosponsor? We'll nurse it along like we did 172 and some others and make sure that...that...that as we go along that all sides are heard from on. I think we can do something with it. I'm going to vote Aye.

PRESIDENT:

Senator Grothberg asks leave to be shown as a cosponsor. Leave granted? Leave is granted. Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT:

He indicates he'll yield, Senator Davidson.

SENATOR DAVIDSON:

On Amendment No. 4, Senator Demuzio, which was adopted the first part of this week which was put forth as a technical amendment. But the technical amendment, as I understand it, in essence, removes the economic impact study which the pollution board has to give in relation to regulations. As I understand it, your Amendment No. 4 removes the...Pollution Control Board from having to consider any economic impact under these regulations upon the affected persons, yes or no?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, an environmental impact statement would probably take about two years.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Well, I was ready to...to support this bill 'cause liquid hazardous waste is an item we all need to respond to. But a number of us, and maybe you were part of it, worked hard to pass the Statutes that said an economic impact study, not

environmental study, but an economic impact study on the affected parties before the Pollution Control Board could make a rule or regulation had to be forthwith. What this says, they can ignore that. We have no idea what kind of a liability you're going to impose on either the west...the waste generator. The site operator who receives this liquid in all fairness maybe unknowing that it's hazardous, you're laying a liability on them that could be...beyond recall; and with...with no economic impact study requirement, that the board can ignore, I'd think you'd need to look at this bill twice. I join you in removing the liquid hazardous waste, but we do have to give consideration, the country is going to have to consider to live and operate if people are going to be employed. It is going to generate waste but the economic impact must be considered. I urge all of you to vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Demuzio may close.

SENATOR DEMUZIO:

Thank you, very much Mr. President and Ladies and Gentlemen of the Senate. I've heard all the nit-picking that I possibly can, I guess for the day in...in regards to this bill. I suspect that industry is probably trying to find every ounce of...of waste that they possibly can to bring about the demise of this bill. The fact of the matter is, is that Illinois...we made some significant environmental progress in this State; and, as you well know, and it's been attested to by the members of this Body that indiscriminate dumping of hazardous and toxic waste is, in fact, the most significant environmental problem for the rest of the century. We made significant progress, we required generators to find alternatives to landfilling such as recycling and incineration and neutralization, and we put that in Senate Bill 171 two years ago and required that to be...occur by

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1987. We provided the mechanism for local input over the siting questions; we've established a manifest system for...to track hazardous materials; we've established a special fund for the cleanup of accidents involving hazardous landfills. We have been responsive to that...to that action, and in this Legislature and many of the members on this Floor certainly have contributed to it. I think that this action is of vital importance, that we ought to pass it, be glad to continue to discuss it to see if there are other kinds of objections the members might have that we might take away from before the end of the Session. But I would ask for support today for Senate Bill 168.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 168 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 11, 1 voting Present. Senate Bill 168 having received the required constitutional majority is declared passed. Senate Bill 174, Senator Chew. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 174.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Chew.

SENATOR CHEW:

Mr. President, this is the bill that was amended to satisfy the desire of Judiciary II. It was explained and it does with the days on a suspension of license. There's nothing else in it of significance that...nothing...everything has been explained and we called it back for an amendment to satisfy them. So I'd ask a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Any discussion? All those in favor of...all right...the question is, shall Senate Bill 171 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 174 having received the required constitutional majority is declared passed. Senate Bill 178, Senator Bloom. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 178.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Yes, thank you. This is a supplemental appropriation and it's to pay back the initial program start-up costs for the Department of Central Management Services. It was amended to transfer twenty-five thousand in operations for personal services to the reimbursement line to bring total GRF payback to a hundred and twenty-five thousand. Answer any questions; otherwise, ask for a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? All right. The question is, shall Senate Bill 178 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 178 having received the required constitutional majority is declared passed. Senate Bill 185, Senator Chew. Pass the

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bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 185.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Chew.

SENATOR CHEW:

Mr. President, this is the bill that requires us to comply with the Federal Bridge Formula. It's been discussed, it's exactly what the House has already passed out, there is no difference at all. It will permit us to get the additional Federal funds for the Federal Bridge Formula. I will ask a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 185 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 185 having received the required constitutional majority is declared passed. Senate Bill 187, Senator Demuzio. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 187.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I'd like leave of the Body to have Senator Jerome Joyce added as a hyphenated cosponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted.

SENATOR DEMUZIO:

All right. Senate Bill 187 is a conglomeration of various utility reform that is exclusive of an elected Commerce Commission, that is not in Senate Bill 187. A summary of those items that are included in this bill, and Senator Joyce may correct me if I'm wrong, includes a citizens utility board; it includes the Utility Consumer Council in the Attorney General's Office; it includes...the elimination of advertising and lobbying in their...in the rate base; it includes a winter shutoff provision; it also includes construction work in progress...and I think those are the major provisions. I would, at this point, yield to Senator Joyce for any further explanation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, thank you, Mr. President. Senator Demuzio did outline the...the proposals that are in there, it is the CUB; the construction work in progress is being eliminated and so forth and so on. I'd be happy to entertain any questions about this rather than to go into a big, long dissertation about what we do, if that's what the Body desires.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

I just want to point out that 187 is a much better bill than the other one that you had, but I...there's one area...of prime consideration to my own vote, is the utility

to prohibit the...the consideration of construction work in progress cost and the rate making decisions. And I was wondering...I know that the House has had a study committee created and they've come up with...with their own respective proposals, and they were editorially supported throughout the State because in their consideration they did not provide that type of work not to be considered as far as construction work in progress. And I was wondering if you have any intention of having that amended out of the bill if it gets in the House?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

No, Senator. Now, when I say, no, I think that that's what conference committees are made for and the version of the construction work in progress that is coming over from the House is a five year and then out; but by that time, everybody will be completed anyway and I...and I don't think that it's going to have much meaning. Now, there...there may be a utility company that would need some sort of a limited construction work in progress. We're going to work with them and if that proves...if they can prove to me that they need that, why then we would happy to come to...some consideration there. But with...with construction work in progress as it is now, we have seen...the people in northern Illinois have had to deal with rate bases and rate hikes that are the highest in this part of the country because three generating plants were being built at the same time. You had Byron, Braidwood and Brookfield. Now, I can tell you that no private enterprise would go ahead and build three facilities and...with the cost in the billions of dollars when the need was not there. One of those facilities could have been mothballed, two of them could have been...went on ahead and...and been built. But with construction work in

progress, it's not like private enterprise, they don't have to put up the capital. So they went ahead and pushed for all three of them; consequently, the ratepayers in that area are suffering today. So that's...that's the problem that I have and many of us have with construction work in progress, it doesn't make the utility company tighten its belt. When everybody else in this economy and in this time has had to tighten their belt, homeowners and old people and poor people have not been able to afford to...or to pay their utility bills and at the same time these utility companies were showing a forty and forty-five percent increase in profits from the year before. A lot of that was because of construction work in progress, they could have used a little judgment that I think private industry would have used and shut off one of those. So what we're doing here is we're...we're telling the utility companies, now look folks, you're going to have to be like every other industry in the State of Illinois is right now, you're going to have to build that plant as cheaply as you can. So that's why we're turning down construction work in progress. I think it's the most significant part of this bill. I realize it's going to cause them some pain and it's going to cause them some hurt, but God knows that they've caused a lot of people in this State pain and hurt in the meantime.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lechowicz, had you concluded? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Specifically, right to the bill. I think it's a good bill except for that provision. I don't believe that, if you want to knock out Illinois Power, pass this bill, leave it, let the Governor sign it as it is and the construction work in progress will seriously affect that company; and

the Senator is correct, when they had a building expansion program in northern Illinois to try to provide good electricity at the lowest cost possible. But I think when you're developing that type of a facility, your safety should be your top consideration and not the price of the...the cost of the building. I think that when you...consider both of those items, safety and cost, both of those provisions have been addressed. Only for that reason, I'm opposing Senate Bill 187. I don't think it's fair, I think you're changing the rules midstream. I don't...your...I don't believe you're fair to the industry and if you really lose the power or...the power to generate power in this State, you'll not have industry in this State. It's an asset of this State in the position that it's been placed in due to long-term planning. Now you may disagree, but if you try to replace those facilities at today's market cost, I think the figures would be mind-boggling. And for that reason, I'm going to be voting No on 187.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Rigney.

SENATOR RIGNEY:

I'd merely point out, Mr. President, I think like most of you I want to have a chance later on to vote for a CUB bill, I think...that's not too controversial. However, I would point out, in this particular legislation, unlike some legislation that I understand is coming over from the House, this is the one that's going to make the various utility companies be the campaign treasurer, in effect, for the whole CUB operation. In other words, their responsibility to get the notification out to all of their customers that will make them responsible for collecting the money, doing the bookkeeping, turning that money over to...to the Citizens Utility Board, I think that is grossly unfair and actually highly unwarrantable that we place the utilities in that kind of a position. So

with that, I hope that perhaps you will see fit to join me in a No vote on this legislation as we await a chance to vote a better CUB bill that we will be voting on during the month of June.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. My concern goes the same point that was raised by Senator Lechowicz. I'm upset too by some of the rate increases that were allowed for construction work in progress; on the other hand, Senator, I really can't see how it's...how it's realistic to say that there can be no passthrough at all on plants that may have been under construction for ten years, and with this terrible inflationary period we've been through how we can realistically say that our utility companies can't pass any of that through. Now, do I understand correctly that...that first of all, this bill would not allow any passthrough for construction work in progress?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

That is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

My second question goes to, what plants are presently under construction in Illinois and who would be affected by this? If we put it in effect now, are we reacting to what's happened in the past or are we really...are...are we really fixing something here?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, Commonwealth Edison I believe, has four scheduled to come on line and...and then Illinois Power has a plant at Clinton.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I think that the plant you're referring to in the case of Commonwealth Edison are...are substantially complete. And, I think that's also true of the...the Illinois Power Company plant, is it not?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator....

SENATOR SCHUNEMAN:

So what...what's...what's the situation there?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, I'm reading a...an article that was put out by...or that quoting the Governor's Office of...something here, anyway, it...this says that...the Governor's Office of...Consumer Services in testimony presented before the Illinois Commerce Commission say that they would be better off to quit at the present time and build a coal facility and it would still be cheaper for their...for their consumers.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman. Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. You know, one aspect of this whole cost has not been discussed and that, I think, is the change in rules by the National Regulatory Authority. Everytime it turn around they've got a change in rules, have to go in and tear out millions and millions and millions of dollars worth of work that was okay last month, but it's not okay this month. So, certainly, Illinois Power would never

start again with the same set of circumstances, they'd go to coal fire, they know what they can do there and they know what they have to do in the way of scrubbers and this and that. But the fault is not only with the utility company, it's with the Federal Government and the lack of inspectors. They lay off tradesmen, electricians and everyone else at Clinton because they can't get any inspection done, now whose responsibility is that? More government involvement, yes, we want that government involvement; we want them to be safe but let's put the blame where it belongs.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Demuzio and...and Jerome Joyce may close. Who...who will close first, gentlemen? Senator Demuzio.

SENATOR DEMUZZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. You know the question was asked, who would be affected the most by the elimination of construction work in progress. The stockholders would be affected the most, obviously. The unprecedented action of the Illinois Commerce Commission over the last several years has put the construction cost on the backs of the people who have to pay the bills, and they don't put it on the backs of the people who are investing in the utility companies themselves. Well, Ladies and Gentlemen, I've heard all of the, again, the nit-picking that goes on about utility bills. We have, in fact, the Senate Democrats, members of the Senate Agriculture Committee, put this package together and I want to compliment Senator Joyce. I would hope that we'd have, at least, every member of the Democratic side of the aisle on this bill. I would hope that this bill has the opportunity to leave this Body and go to the House so that we can continue the discussions between the Senate and the House to bring about some meaningful utility...reform for this

Session. I would hope, and sincerely hope, that we have the votes to send this bill out of here and I will yield to Senator Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I agree with Senator Deauzio. We have worked hard and long on this and compromised and we're not voting on an elected Commerce Commission in this bill, a lot of people did not want to...to have to do that. You know, I...I introduced a CUB bill three years ago or four years ago and that was a really dumb idea until we got in such a position where people out there in the State of Illinois were ready to throw us out of office. There's no one issue that's of more vital concern out there than utility rates. But that was not a good idea until everybody started raising heck and then they think, well a CUB is better than an elected ICC. Well, now we don't have an elected ICC in here and the CUB's in here, but now we can find fault with construction work in progress in this bill; and I bet if we took the construction work in progress out, we'd find fault with some way the CUB is construed, and if we did that we'd find some fault with the advertising part of it and something...why don't we give them a rate increase? If that's what you want to do, we'll all act like the ICC has acted over the years and we'll just give them a rate hike and we'll all go home happy. I'd ask for an Aye vote on this bill, let's give the people in the State of Illinois a break; let's give them a chance to...to be able to decently afford their utility bills, this isn't going to take the bills down, I can tell you it's not going to break any utility companies, but it might, you know what, it might get those officials down out of their ivory towers; it might get them out there at the facilities they're building. It might let them go out

there and see what's going on at one of those plants. I live where those things are being built, I can tell you there's no more waste in...in anything than there is in building one of those facilities. And if the...if the CWIP is out of there, they might go out of there and inspect the things themselves and then they'd find out what was really going on. So let's give the taxpayers and the ratepayers in the State of Illinois an opportunity to...to live decently and vote Aye. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 187 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Senator Hall. 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 28, none voting Present. Senate Bill 187 having failed to receive the required constitutional majority is declared lost. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

I move that we go out of the ordinary...customary order of business right now and take up Senate Bill 5.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is not granted. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

I request a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Demuzio has asked leave of the Senate to...move that the Senate go out of the ordinary order of business, pursuant to our rules, to the Order of Senate Bill 5 and he has requested that a roll call be taken. On the motion to go out of the ordinary course of business, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. (Machine cutoff)...Hall. Have all voted who

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wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, the Ayes are 29, the Nays
are 28. The motion is lost. Senator Demuzio, for what pur-
pose do you arise?

SENATOR DEMUZIO:

Under what rule does it take thirty votes?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, we're going to check that for you. Senator, under
Rule 4, I believe it is, let me just flip back, Rule 4. It
says, "The Senate may, at anytime by unanimous consent or by
motion supported by a majority vote of the Senators elected
proceed out of the order of...order to any order of business
or return to any order of business already passed." The
Chair, I...I remembered it, Senator, but I couldn't find it.
Thank you. Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, I'll put that on my list to ask the
Rules Committee about changing.

PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill 189, Senator Marovitz. Senator Marovitz.
Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 189.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and
Gentlemen of the Senate. Senate Bill 189 which is not...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose...Senator Marovitz.

SENATOR MAROVITZ:

...no, it's not on the board, I'm just wondering if you

want to put that on the board. Senate Bill 189 adds the ground of irreconcilable differences to the existing eleven fault grounds in Illinois. But in order to use this you would have to be...the couple would have to be living separate and apart for at least two continuous years, and there would have to have been attempts at reconciliation and the judge would have to find that future attempts would be groundless. Forty-eight other states, forty-eight other states have such a no-fault provision, and still Illinois' divorce rate is no lower than in many other states. As a matter of fact, in states with no-fault provisions, they have lower divorce rates than Illinois. What happens today is if a couple wants to get divorced, one party has to say, I have done absolutely nothing wrong, I am one hundred percent faultless and this other party, my spouse, is one hundred percent at fault. It puts them in an adversarial position right away, they begin calling...throwing names and calling themselves...accusing people of...accusing their spouses of things. They have to file a complaint putting the fault grounds...specifying the fault grounds, then they have to testify in open court with a court reporter as to what specific fault grounds there are. In many cases, they perjure themselves on the stand in order to find fault grounds, when in fact, they just want to get out. This would allow people to...to amicably part without saying, I have done nothing wrong in this marriage, my spouse has done everything wrong in this marriage. This doesn't affect property at all or property distribution at all. It could only be waived if there is agreement of both parties, only if there is agreement of both parties. And today, if both parties want to get divorced, all they have to do is agree on the grounds which are usually...mental cruelty and go in and get that divorce, one party perjures themselves, it unfortunately happens all the time. We are saying that let's allow people

to part with dignity, if indeed, they're going to part. This does not break up the family unit at all because the...the couple would have to be living separate and apart for at least two continuous years, so the family unit would already be broken up. This would allow kids not to see their...their parents accusing each other; name calling each other; putting things in print; testifying in open court as to what one or the other has done. It would allow marriages that have broken down where there are irreconcilable differences to part amicably. And I would be happy to...to answer any questions. This is the most conservative approach, a two-year separation period, the most conservative approach that can be offered to a realistic problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion?

END OF REEL

REEL #8

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 189, and while I usually do not violently, at least, disagree with the Illinois Bar Association, this one I disagree with. No fault is no fault is no fault. We have resisted the concept of no-fault divorce in this State for some very obvious reasons. There is a Christian tradition in this State and I don't, frankly, care what the other forty-eight states are doing. We seem to be in a...an almost marching to a drumbeat and all of these other states are doing this, they all have freedom of information or Open Records Acts, so we ought to have one; they all have this, so we ought to have one; now, they all have no-fault, so we ought to have no-fault. Let's examine what we're doing. What we are suggesting here with this is that two people who have been vowed to be bound together for a lifetime, can now go into court and say, sorry, judge, we...we're not going to make it. It's too easy, and I do not agree, frankly, and I do not practice in the field, but I do not agree, and if it is the fact, then we ought to have a study commission or an investigation that...each and every divorce case there...there is perjury involved and suborn...and people are suborn to perjury by their respective attorneys, I don't believe that either. I think that argument is weak at best and I think we ought to reconsider what we're about to be doing here, and I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. I, too, rise in opposition to this bill. I think it's a bad principle to start. I agree with the former speaker that it is our duty as an Assembly to set some kind of policy for the State. I'm getting sick and tired of doing things just because other people are doing them. The so-called reconciliation group that is required before the divorce is granted, it...it is an absolute farce, it's a half an hour at best and that is all that is required. I think this is a very, very bad idea. I think there are circumstances where families can get back together, I have seen them. I think this is one more step we are taking to destroy a family, and I would urge my colleagues to vote against it.

PRESIDING OFFICER: (SENATOR DEMOZIO)

All right. Any further discussion? Any further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. I just want to list a few states that have no-fault provisions and have lower divorce rates than Illinois; just a few. Massachusetts, Connecticut, New...New York, New Jersey, Pennsylvania, Wisconsin, Minnesota, Iowa, Nebraska, I can go on and on. There are...those are all states with some no-fault provision. This is the most conservative approach. Some states have total no-fault. I'm against that. I think this is just one addition to the existing fault grounds in Illinois. I've spoken to most of you on the Floor. I've explained to you how the bill would work. It's a very equitable solution. Believe me, it's not going to injure the family structure 'cause people will be have...living separate and apart for at least two continuous years before they can even file under this ground. So the family unit, the family structure has already broken down. They would already have to have had attempts at reconciliation and future attempts would have to be found

groundless by the judge. This the best way to go about it. It prevents perjury. It prevents name calling. It prevents people from having to go in open court in front of a court reporter and accuse their mate of something that may not in fact be true, and say I've done nothing wrong, and he's done everything wrong; and the kids hear that, and the kids see that, and if you think that's good for the family unit, boy, you just have your head in the sand. I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 189 pass. All those in favor...the question is...all those in favor will vote Aye. All 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 42, the Nays are 15, none voting Present. Senate Bill 189 having received the required constitutional majority is declared passed. Senate Bill 224, Senator Rock. Read the bill, Mr. Secretary. Oh, Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

I'm looking at Senator Darrow and Senator Bloos because Senate Bill 199 is next in sequence and I...are they not going to call the bill or...it's not on the Agreed Bill List, it was taken off the Agreed Bill List.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. What's the number? All right. It's my understanding that this is the last day. The bill was knocked off the Agreed Bill List...the procedure then is that we will go to the Agreed Bill List a little later and it will be the first bill called after the Agreed Bill List passes...immediately thereafter. Senate Bill 224, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY

Senate...Senate Bill 224.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rock.

SENATOR ROCK:

Well, I will yield my place in line to 199. If that's the only one that got knocked off, why don't we deal with it. I'm...I can...I can...wait...be up...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Is there leave to take Senate Bill 224 out of the record? Leave is granted. On the Order of 3rd Reading, Senate Bill 99...199 was on the Agreed Bill List this morning. Senator D'Arco is the sponsor. Senator Darrow is the sponsor. Mr. Secretary, will you read the bill.

SECRETARY

Senate Bill 199.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 199 in its original form merely stated that a majority of the members of the Sunset Commission must vote in favor of a report before it is presented to this Illinois General Assembly. In the past, without this amendment, of the thirteen members, if you had a seven-member quorum there, four of those members could adopt a final report which would then come over to this House...this Senate for consideration. That was how the bill came out of committee. Amendments were adopted. Senator Bloom and I drafted an amendment that deals with a number of different parts of the bill. What it does is it cuts the Sunset Commission off

the Public Utility Fund. Last year we diverted, I believe, it was two hundred and sixty-one thousand dollars from the Public Utility Fund for the Sunset Commission. What these funds do actually if they aren't spent, they go back to the utilities and indirectly allows some rate relief. It was our feeling that the...the... you might say these funds were being squandered by the Sunset Commission in some ways. Senator Bloom had a whole list of reports that they prepared. He could go into...greater detail in that regard. Also, we found that in Sunset next year we will be studying, I believe it's next year, we'll be studying the medical professions, I think there's six or eight of those, and also the Illinois Commerce Commission was suggested and adopted in this amendment that we string that out over a period of years, and I will then yield to Senator Bloom to explain the amendment in greater detail.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Bloom.

SENATOR BLOOM:

Yes, I...I think that Senator Darrow has done a very good job of explaining that portion of the bill. It pushes back the repealer on studying public utilities 'cause there are...until 1991, basically because there are something like twelve regulated industries under the Commerce Commission and the...the Sunset Committee felt that that was too much to try and stuff into one year. As far as taking it off the Public Utility Fund, without the legislative member's voting or approval, a bunch of contracts were let to study somethings done by various academicians and they, you know, they were...they were given a sizable chunk of money to come to such conclusions as the rising cost of energy causes economic problems for the poor. To a degree the staff...nine months out of the year, the staff runs this committee, it's unfortunate. Then, three months out of the year we're down and we

try and straighten things out, and we'll answer any questions; otherwise, we'd seek a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Buzbee. Senator Buzbee yields to Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in strong opposition to Senate Bill 199 as it is amended, not in its original form, and would point out what is happening here. The public utility regulation is to be considered under the Sunset in 1985. This is the appropriate time to do that, not to string it out until 1991. It is right now that everyone is concerned about the entire future of public utility regulation, how it ought to be structured and what this State's rule ought to be. To take that and move it off into the unforeseen future is a very foolish thing to do. What the commission itself...the Sunset Commission itself had proposed in a resolution adopted on May the 11th, 1983, a resolution which I might add Senator Darrow voted for at the time and it was unanimously approved by the members of the Sunset Commission, was to do all of the Sunset Review in 1985 when it is, indeed, appropriate, to then restructure all of the health care activities so that they would be done at one time in 1987 and make some other modest changes in 1989. But the real point of what is going on here is that utilities are being put off into the future at a time when this Legislature is interested in what happens to that area, that major area of its concern. This bill as amended would delay that and stretch it out over a long period of time, that makes absolutely no sense. I would rise in strong opposition to this bill and hope that we allow the Sunset Commission's own judgement as to how it can handle this workload prevail instead of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I also rise in strong opposition to Senate Bill 199. I would point out that one thing you are doing here is you are deleting the...the dollars that were made available last year, I believe, for the study of the...of the licensing...pardon me, for the study of the public utilities. This is money that has come from the Public Utility Fund, it is not taxpayer dollars; and it's kind of strange that I am rising here to speak in behalf of utilities, because it is my understanding that all of the utilities in the State, other than Commonwealth Edison, would like to go ahead and have this study completed by the original date, by thirty June, 1985. As Senator Netsch has correctly pointed out, this would delay on electrical utilities until December the 31st, of 1989; and on telephone and...and radio common carriers until 1989; gas and oil distributors until 1987, and water and...and sewage disposal utilities until 1991. It doesn't make any sense. Everybody wants to get the study done and you're going to take away their ability to do the studies by deleting that section that gives...uses reference to the Public Utility Fund. I, also, as some of the other folks in this Chamber have, I have some problems with the Sunset Commission staff. I am not too enthusiastic about some of the actions that staff has taken, but this is not the way to get at that staff because we are cutting off our nose to spite our face here, and we're cutting off our nose to spite the face of the public and, as a matter of fact, of all the utilities in this State with the exception of one. This was what was agreed upon originally by the utilities and by everybody else that 1985 was a good time to get this completed, and I think we ought to defeat this bill right now and...and come back with another method, Senator Darrow, of...of...of addressing the problem that you're concerned about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator...Senator Weaver.

SENATOR WEAVER:

A question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will...

SENATOR WEAVER:

I...I was just wondering, I don't whether...who can answer it, but I'm asking...the question is, why the PUF Funds should support this commission period? Can someone tell me this? There's several million dollars in the PUF Fund and a million and a half dollars going into...I just wondered what was...what's the background on the PUF Funds supporting this commission?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

I...I...all it does is, it doesn't support the commission, Senator Weaver, just that one section of...that one study that they are doing...yes, it does, that's all...that's all that it supports is just that one section and the...the...the background was, this is money that is collected from the utilities for our regulating them. Just like we collect money from banks to regulate them, we collect money from utilities to regulate them. What better way to spend those dollars that we use to regulate them than to decide whether we ought to regulate them or not? And this General Assembly took the action, I believe it was one year ago, one year ago to...to fund that study, took that...took the action to fund that study out of the Public Utility Fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

I think there's an annual distribution from the PUF fund,

annually, to this commission to support its activities and...and what is it, a million and a half dollars annually? Do you have those figures, Senator Bloom?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Bloom.

SENATOR BLOOM:

I do not have them with me. The point...the...the reason we're taking them off them is not...is because they're letting contracts for various academicians to...I got the studies here, Senator Buzbee, and they're great. Oh, they're real beauties, you know, one of them...they go on about there is a difference between the word "plan" and the...and the word "planning." They go on nice, it takes them...takes them twenty pages to decide that energy costs hurt poor people. What we're saying is that there are better uses, there...you know, to be spent...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further...

SENATOR BLOOM:

Go ahead. Senator Buzbee is going to make another point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, further discussion? Senator D'Arco.

SENATOR D'ARCO:

...Kenny, I know what you're going to say, I think. Three years...the PUF Funds are only going to be used for three years, Senator Weaver, one hundred and sixty-five thousand dollars for three years. The reason we need that money is to hire staff and let contracts to review the utilities that are under consideration. Now, I don't know what's going on here, but I'm a member of the Sunset Committee, and I sit in in these meetings, and we all get together and we all take a vote, and Senator Darrow was there when we took a vote on the timetable for the regulation of the utilities and he voted Aye, and he agreed that we should regulate these utili-

ties. Now he wants to exempt Commonwealth Edison. Well, maybe George...Traverse has something to say to him about that, I don't know why but it's very important that we review the regulation of these utilities; and to put it off until 1981 is like not trying to review the regulation at all. Now if you're going to be up-front, and you're going to be honest, and you're going to take a vote in the committee, Bob Mandeville is there, Johnny D'Arco is there, Dawn Netsch is there, Senator Bloom was absent that day, Andy Raucci in the...in the gallery up there, he's there fooling around with this God damned bill. Now, I'm telling you this is bologna, either you going to follow the dictates of that committee or you're not going to follow them; and if you're not going to follow them, then abolish the damn thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I have the exact figures, Senator Weaver. Senator Weaver, I have the exact figures...Senator Bloom, for FY '83 out of the PUF Fund we appropriated one hundred and sixty-three thousand dollars; for FY '84 out of the PUF Fund the request is for two hundred and thirty-one thousand dollars, and there will be one more year of appropriation requests under the current Statute...under the current...yes, under the current Statute, and this money...this money goes only for the utility study, not for any of the other studies that the Sunset Commission is performing. It goes only for the utility studies. It's one sixty-five for this year; two-thirty one for next, and we don't know what the request is going to be for FY '85.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. Just an observation, I served

on Sunset for two years and I think the membership should know that this is probably the most interest and the most time that the Illinois General Assembly has spent on the Sunset process in quite awhile. The biggest problem when any Sunset Committee was convened was getting legislators there. That's probably a large part of the reason why the staff is somehow accused of playing too much of a role in the process. When you don't have the Legislature there, it's difficult for the staff to follow direction. As far as I'm concerned, the sun is about to set on the Sunset process in Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Weaver for a second time.

SENATOR WEAVER:

Thank you, and I apologize, Mr. President, but I was wrong. The Joint Committee on Regulation Agency Reform is a hundred and sixty-five thousand but I was...what I was confused with, I was wondering why the Department of Energy and Natural Resources was getting five million six hundred and seventy-three thousand a year from this fund. What do they do that they should justify getting this amount of money?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Buzbee.

SENATOR BUZBEE:

...Senator Weaver, you know...as you know, that's got nothing to do with this bill, but I can tell you why they get that kind of money because the Governor's...the Bureau of the Budget to try to save general revenue funds is allocated in a lot of the operational costs of the Department of Energy and Natural Resources out of PUF Fund, I don't agree with that either.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any further discussion? Senator Bloom.

SENATOR BLOOM:

Well, all I can say is, and...I'm sorry to rise a second time, but all I can say is; one, this General Assembly is already restructuring utilities in one form or another and it will by the time July 1 rolls around. And the point is, when you look at the Commerce Commission, the Commerce Commission regulates transportation, oil and gas distributors, intra-state oil and gas pipelines, common carriers, telephone, electricity, water, the disposal of sewage. These monies...if the will of this Body is that they want to waste PUF Fund monies to dole it out for academicians to...to study and ask each other why is there error or else to take pages to conclude that the rising cost of energy...hurts poor people, and those kinds of things, sobeit; but the...the point is...the point is, if you're going to make the process work; and there's a real difference of opinion...within the Sunset Committee. Yeah, we can say, you know, maybe legislators don't pay the closest of attention, but should we, in the sense that should not staff be telling us what they're doing? We get notified about show and tell meetings a week before they're coming when we happen to have either a...a legislative business or other things...the thing is...is poorly staffed and run, I...I think so. What we're trying to do legislatively is get it straightened around. Now, if you want to give them...keep them in the PUF Fund and give them this money, it's kind of like giving matches to kids in a way, then they'll go out and they'll contract with more academicians to at...very handsomely rewarded for these studies to come back and tell you that rising energy costs hurt poor people. There's more to this than that. So, I'll leave it up to the will of the Body, but I want to tell you, no one is just offering these amendments out of the pure fun-loving heck of it this time, it's cause we want to get it straightened around and we want to get some messages through to the staff, too, and we mean that. We're not just passing

around for the sake of messing around, we're trying to get them squared away and that's the bottom line. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lemke.

SENATOR LEMKE:

I move the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow may close.

SENATOR DARROW:

Thank you, Mr. President and Ladies and Gentlemen of the House. A couple of points. First of all, about Commonwealth Edison. They're not in my district, I have Iowa-Illinois Gas and Electric Company. I don't think they're in Senator Bloom's district. They don't contribute to my campaign. I don't have the ties with them, I don't have any ties with them. I...I...that's a big bugaboo down here evidently. With regard to whether we review utilities, we're not reviewing utilities with this, it's a review of the Illinois Commerce Commission and it's a review of all their functions, not just utilities, it's a review of the trucking industry, buses, gas, water, your wells, your private water systems; the Commerce Commission regulates a number of things. To expect the Sunset Commission to do that plus do all the other work that they're suppose to do is just impractical. Now, what we're saying is not...let's just go in a closet and forget about the ICC, we're saying let's take a rational approach. Let's take it section by section. And why? To save two hundred and thirty-one thousand dollars. This money was wasted, or a good portion of it. Senator Bloom has the reports, go over and take a look at them. So, what we would like, we'd like an Aye vote on this to save the taxpayers two hundred and thirty-one thousand dollars; to add some logic into this review, and to not get confused with all this about

Commonwealth Edison and the big power companies and things like that. What about the trucking firms? What about the water companies? What about all of these other things? We have to look at all of them, but we have to do it systematically and we have to do it at a reasonable price. I would ask for any Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 199 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 27, none voting Present. Senate Bill 199 having failed to receive the required constitutional majority is declared lost. Senate Bill 224. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

I rise on a point of parliamentary...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Having voted on the prevailing side on Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, we're not on that order of business right now.

SENATOR NEWHOUSE:

May...may...may I make my parliamentary inquiries? What is the proper motion to make to reconsider the vote by which Senate Bill 187 was passed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we would have to go to the Order of Motions and we're currently not on that business. All right. Senator Newhouse.

SENATOR NEWHOUSE:

Then I move that we go to the Order of Motions.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, is leave granted? Leave is not granted. On the Order of 3rd Reading, Senate Bill 224, Senator Rock. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

At what point would we go to the Order of Motions? That's all I want to know. AT what point will we go to the Order of Motions?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Probably it'll have to show up on the Calendar, probably at the end of the day. All right. Page 4, 3rd reading, Senate Bill 224, Senator Rock.

SECRETARY

Senate Bill 224.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rock.

SENATOR ROCK:

Everybody take a deep breath, I've got another good one for you. Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 224 is an amendment to the Illinois Municipal Code and it is a response to a Supreme Court case that involved the village in which I reside, and the village in which Senator Berman resides, and another village in Cook County. They had imposed by...local ordinance had imposed a utility user tax over and above the then authorized State utility tax which was subsequently declared unconstitutional. And so the question now confronting those villages is, how in the world do we make up that proposed budget deficit. They have two alternatives. One is to increase the property tax which all hands admit is...is not a very popular thing to do and, as a matter of fact, the boards of every

village really don't want to do that. The other is to cut back on essential services and, obviously, nobody wants to do that either. So, the boards have been grappling with a response, and this is a legislative response to afford the forty-nine home rule communities in Cook County. This applies as proposed, and as before us this afternoon only to forty-nine home rule communities in Cook County, and it will authorize the elected boards or village trustees in those villages to increase...to increase if they wish, it is not a mandate, it's, obviously, permissive to increase if they wish the utility taxes applicable to those local areas. This was thought to be the better of the three proposed solutions; namely, property tax increase, cut back essential services or find some other way to increase, if they wish, for the reason that it is broadly based and it affords an opportunity for the local village to impose a tax on the major institutions and on the tenants in those respective areas so that the property tax owner is not picking up the entire burden for essential city services. In each of those villages...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Rock. Can we have some order, please. Let's give the gentleman an opportunity to discuss the bill. Senator Rock.

SENATOR ROCK:

...in each of those areas there are, obviously, major institutions that are not on the tax rolls because they are charitable, or religious, or for some other reason. We have two major hospitals in Oak Park that don't pay any property tax. Evanston has a major university, doesn't pay any property tax. They are subject, however, to this tax. They have paid it. They are willing to pay it. It is a broadly based...it will not impact dramatically on the individual homeowner, but will afford the village some much needed revenue. Is it thoroughly permissive. It will require

action by those local boards. It is an authorization and an authorization only, and I urge a favorable vote on Senate Bill 224.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Berman.

SENATOR BERMAN:

I just want the record to be clear that Senator Rock moved me from Chicago to Evanston, I represent it but I don't live there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, I rise in reluctant opposition to the bill sponsored by the distinguished President of the Senate, and don't mean to...seem to be rising every time our...our good leader comes forward with another bill; I'm afraid it's his unfortunate predicament that because of the responsibilities thrust upon him by his position that he has to carry more controversial bills than most. Let me at the outset say that I...it could be said that I have some conflict of interest, in that I had...I was involved as a plaintiff's class action lawyer in a suit that ended up bring about this problem, if it is a problem on the communities of Evanston, and Oak Park, and Rosemont. The situation arose because these communities attempted to impose home rule utility taxes beyond the five percent gross receipts tax authorized by Statute and attempted to impose what they styled as...as home rule consumer utility taxes which the Supreme Court ruled, this past winter, were an unconstitutional exercises of their home rule taxing powers. So, it could be said that these communities are in something of a predicament because the Supreme Court decision really left open the question of whether these communities...excluding Waukeegan where the case that I was

involved in started which...where the monies have been paid into an escrow fund and the city there had not spent any of the money as...as the communities of Evanston and Oak Park had, but it could be said that their communities would be in something of a predicament if, in fact, they were called upon to refund this money. However, I know from conversations with...with the lawyers who have been involved in representing the taxpayers in the case that arose out of Cook County in which...which was consolidated with the case that started in Lake County, that the case that affects Evanston and Oak Park has been settled; and under the terms of that settlement agreement approved by the judge in Cook County, the communities will only have to refund twenty-five percent of their tax liability which they apparently feel that they can do. So, I think in...in light of that settlement, I think this...even though this is only permissive legislation, I think it may be unnecessary and...and is certainly premature. I know a number of us feel that the utility tax, even more so than the property tax, is the most regressive form of taxation in that it has even less to do with a person's wealth than the property tax does; and for that reason, I think we should be extremely reluctant to authorize an increased utility tax at any level of government. In addition, the bill does not contain any referendum requirement, front door or backdoor, and I know a number of us try to consistently take the position that we will not authorize increases in local taxation without a referendum. For all of those reasons, I feel compelled to oppose the bill, and I would urge the members to do likewise.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I, too, rise in strong opposition to this bill. As the presiding

speaker has pointed out, this utility tax is a far more regressive tax than the property tax happens to be...whether we like the property tax or not, it is certainly true that it is less regressive than this utility tax which is proposed here. What the sponsor's asking us to do is to open the door in those home rule communities in Cook County, outside the City of Chicago, to increase utility bills three percent. We've listened quite some time this afternoon and earlier days about our concern for the escalating utility rates. I would say that we have the opportunity right now to keep the utility bills down simply by pushing the red button on this bill. I strongly urge you to do just that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I, too, represent one of the areas of which they will have to find some means of making up the shortfall in their budget for that mistake. Senator Rock is right, there have been several approaches to try to resolve this problem, and we cannot come up with one any fairer than this. Currently, the tax...the homeowners in the Village of Oak Park pays about the highest taxes in this State; and just as other parts of the State, the homeowners there are feeling the crunch from the recession and they are laid off just as all the other areas. Local revenue resources are just as scarce there as they are in other areas, and this 1.1 million dollars shortfall cannot be resolved by the current budget without putting this burden totally on the property owners. Maybe this is not the...the...the right thing to do or the fair thing to do but it is best of what we can do, and I rise in support of this proposal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

Joyce.

SENATOR JEROME JOYCE:

I just have a question or a comment, I'm not sure which. I just wonder if this is the Democratic utility reform package?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is...further discussion? Further discussion? Senator Rock may close.

SENATOR ROCK:

And I welcome to June 30, it's early this year. Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll be again brief, Senator Collins pointed out the village in which I reside faces a million dollar shortfall in their operating budget which is approximately thirteen or fourteen million dollars. How do you make that up? You make it up, I suggest, through an increase in the property tax. What happens then? We've got two, three hundred and fifty bed hospitals, a four thousand student high school, an elementary school system with twelve schools and we have eighty churches. None of them pay any property tax. So, you're asking the homeowner to bear a larger than his share...his or her share of the burden. So the response is, let's afford...let's afford a local home rule elected board of trustees the opportunity, if they wish, to raise taxes via this method. Now if we're going to sit here and be collectively smarter than the elected boards of trustees in those forty-nine home rule communities, sobeit. I don't think...I think we ought to afford them the opportunity. They're answerable to the people who reside in that village. Give them the opportunity. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 224 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted

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3rd Reading

who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 33, none voting Present. Senate Bill 224 having failed to receive the required constitutional majority is declared lost. (Machine cutoff)...what purpose do you arise?

SENATOR WATSON:

Thank you, Mr. President. I move we adjourn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Motion is out of order. We're on...on 3rd reading. Motion to adjourn is always in order. All those in...favor signify by saying Aye. Opposed Nay. The Nays have it. 3rd reading, Senate Bill 226, Senator Lenke.

SECRETARY

Senate Bill 226.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LENKE:

What this does is it allows a laid off employee a...a six month continuation period of his group insurance after he's laid off because of unemployment by paying the rate...the group insurance rate. This...this amendment that's to the bill has been worked out by the Illinois Life Insurance Council and the Labor of...People of Labor Interest and all people concerned. I think it's a good amendment. It lays out the formula for a employee to continue his group insurance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor. Senator, is this the same concept that was adopted last year, got to the House, and got lost somewhere in the process over there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

It's almost exactly the same. They gave a concession to the labor in regards to the conversion...privilege...they made the conversion privilege to reinstitute it to what the current law is now. There was objection to the...it also reinstates the current law that they have sixty-day time notice. We keep the current law on that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Mr. President, I think this is a very reasonable approach and something that we ought to do, particularly in these days of high unemployment, and I urge support for the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...any further discussion? Senator Johns.

SENATOR JOHNS:

I'd just like to say that one of the greatest problems and pressures on a man when he's unemployed is to know that his family is uninsured. This will give him relief and give him a chance to look at the job market a little bit better. I applaud it, Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR LEMKE:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 226 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record.

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that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 226 having received the required constitutional majority is declared passed. Senate Bill 228, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 228.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill is as amended now to an agreeance with labor and...and the with group insurance carrier and the workmen's comp. insurance...insurance carriers...it...it sets up an expedited procedure for the determination of claims where there is a question of compensability between the workmen's comp. carrier and the group insurance carrier. I think this is a good bill. It sets forth the procedures, and I...I think it will help settle some of the disputes that we presently have where working man is injured and he doesn't know which carrier is going to pay. This way once the commission determines he receives the money either...if he's compensable, he gets it from the comp. carrier; if it's noncompensable he gets it from the group carrier. I think it's a good bill and I think...I'm happy that labor and the insurance industry and everybody could get together to write the law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this bill. I think we still have a technical problem in the amendment but it's cleaned up enough, we know it; it's going to be cleaned up in the House.

It was an honest mistake in the amendment not a...a disagreement, and it really does deal with a serious problem of how do you speed up the award without really costing anyone anymore. So, I would ask for support for the measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Question is, shall Senate Bill 228 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 228 having received the required constitutional majority is declared passed. Senate Bill 229, Senator Savickas. Read the bill, Mr. Secretary, please.

SECRETARY

Senate Bill 229.

(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, Senate Bill 229 has developed a lot of concern and I've surveyed the insurance industry and the Association of Retired Persons and have found that the supplemental coverage is available. So, at this time, I am waiting for further information on rate structure and age group comparisons. So, therefore, I would like to rerefer the bill to committee in order to study the material that is coming in and later pass the bill, as I originally intended, as a measure to aid those on Medicare and the purchase of supplemental insurance coverage. Now, I'd like to do this at the rates that are within their means and provide assistance to those persons age fifty-five to sixty-five who are not eligible for Medicaid or Medicare but are in need of medical protection. I think that senior citi-

zens are entitled to the Senior Citizens Health Care Act, and with this bill, I believe that the Act can be stronger and better tailored to the needs of our elderly if we put together a program that would accomplish these objectives. So, at this time, I would move to rerefer it back to...back to the Committee on Insurance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas moves to recommit Senate Bill 230 to the Committee...Senate Bill 229 to the Committee...Senator Savickas.

SENATOR SAVICKAS:

I said the Committee on Insurance. It was in Public Health, so I would move to recommit it back to Public Health.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Savickas moves to recommit Senate Bill 229 back to the Committee on Public Health, Welfare and Corrections. Is leave granted? Leave is granted. Senate Bill 230, Senator Savickas. Same motion? No. Senate Bill 230, Senator Savickas. 3rd reading, Mr. Secretary.

SECRETARY

Senate Bill 230.

(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, this Senate Bill 230 would create a commission on senior citizens with sixteen members, each of the four leaders of the General Assembly appointing two legislative and two public members. The duties would include legislative remedies for lost Federal assistance to elderly; conduct the hearings to find elderly needs, and try to consolidate many of these concerns that the elderly have in legislation and promote one program.

I think it's good legislation. I think it's needed and I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Any discussion? Question is, shall Senate Bill 230 pass. All those in favor will...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 48, the Nays are 8, none voting Present. Senate Bill 230 having received the required constitutional majority is declared passed. Senate 232, Senator Savickas. Read the bill, Mr. Secretary, please. Senate Bill 232.

SECRETARY

Senate Bill 232.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Mr. President and members of the Senate, this bill that we tried to do here is to try to extract a small ma and pa businesses and to provide for them a separate rate on workmen's compensation coverage but we have run into a concern. I've talked with Senator Schuneman, he thinks that it may not be practical to do it. We don't have the figures yet. What I would like to do is to pass this bill out, if it shows that...that this is not practical, that it does, indeed, create no benefit or increase the liability by setting up the separate pool, then I think we should just have the House Table the bill. But I think if we can work it out and it is feasible, that we should have the vehicle and try to do it. That's the only purpose of this bill and I would ask that we...we support it and pass it on those condi-

tions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Keats.

SENATOR KEATS:

Yeah, thank you, Mr. President. We all supported this bill in committee, it came out on a nonpartisan vote of 6 to nothing. Since then and...and, Frank, I...I see what you're saying and I...I have no objection to moving it out if it isn't simply a vehicle, but it does really appear, I mean, that actuarially, even though it's a good idea, it just appears it doesn't work. I mean,...and if you guarantee us it's not a vehicle and if these actuarial numbers are correct, then I, you know...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, I have in our memo here, really there is no actuarial basis for figuring this out and grouping into small business. You have my guarantee that the only purpose that this bill is for that purpose. If it doesn't work out, we will just have it Tabled in the House, that's all.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President and members of the Senate, I...early on went to Senator Savickas and pointed out to him that...or first of all, tried to find out what he was trying to do here and I...I think his...his purpose is laudable. He wants to try to help small employers and so do I, but I pointed out to him that, in my opinion, this bill will do just the opposite for the simple reason what he...what the bill says that we will do is require that insurance companies create a pool for small employers and take their experience out of the pool for large employers. So, if you happen to be a widget maker in

Illinois and you're a small employer, all of your experience is going to go into one pool and all the big companies making widgets or whatever are going to go in another pool. Now that sounds like it might work to the advantage of the small companies, but I think just the opposite is the case, because the fact of the matter is that you'll will be working with a smaller group of people and when they have one serious accident, it's going to blow the experience on the pool. This is contrary to any good insurance rating procedure and, frankly, Senator, I thought you were going to take this bill out of the record or throw it up and let us shoot it down, but I don't think we ought to pass this bill. It'll do just the...in my opinion, it'll do just the opposite of what you intended it will do. The National Council on Compensation Insurance, in my discussions with them...with Larry Hocstetter, has indicated that it'll work exactly opposite from the way you want it to work; and if you can find a way to help the small employers, I'll be with you but this isn't the way. This...this will work just the opposite and, for that reason, I think we ought to reject the bill here and not let it go any farther.

PRESIDING OFFICER: (SENATOR BRUCE)

...further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, if this is the feeling of the General Assembly, I would bring it back and recommit it, but I do think that it can be worked out. I don't think they're too far apart. There is no basis to compare and what happens if we have to go to a pool or by individually. If we feel that there is no support, my...my legislative aide has indicated that we should recommit...my legislative advisor, Senator Collins, thinks we should recommit it. On that basis then, I will move to recommit Senate Bill 232 back to Labor and Commerce.

PRESIDING OFFICER: (SENATOR BRUCE)

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motion in
Meeting

You've heard the motion. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it and the bill is recommit-
mitted. For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Mr. President, I...I rise to seek leave of the Body to go to the Order of Motions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to go to the Order of Motions? I hear objections. Senator Newhouse, do you ask for a roll call?

SENATOR NEWHOUSE:

Roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Roll call is that we go out of the order...ordinary order of business to the Order of Motions for consideration of a motion. On that question, 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 21, the Nays are 27...Ayes are 31, the Nays are 27. All right, there's been a request for a verification. Will the members please be in their seats. Will the members please be in their seats. There's been a request for a verification, will...will the Secretary please call those who voted in the affirmative.

SECRETARY

The following voted in the affirmative: Berman, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco, Darrow, Dawson, Degnan, Demuzio, Hall, Holmberg, Johns, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Lemke, Luft, Macdonald, Marovitz, Netsch, Newhouse, Sangmeister, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Do you...roll call has been verified. There are 31 Ayes and 27 Nays. Senator Newhouse, your motion. The Secretary

will read the motion.

SECRETARY

Motion in writing. Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 187 lost. Signed, Senator Newhouse.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to reconsider. Those in favor of the motion say Aye. Opposed Nay. Opinion of the Chair, the Ayes have it and the vote is reconsidered. On the Order of 3rd Reading is Senate Bill 187, under Senate Bills on page 4, and the sponsorship of Senator Demuzio is recognized.

SENATOR DEMUZIO:

Yes, thank you, Mr. Chairman...or Mr. President. There seemed to be some confusion on this bill when it was called a few minutes ago. It is a utility refrom package and we've debated it on numerous occasions. I would simply ask for a...a positive roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, that's correct, it's the CUB bill. The...winter shut-off, advertising and construction work in progress.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Is there discussion? The question is...Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and members of the Senate. So that the Senate could have some negotiating matters with the House, I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The question is, shall Senate Bill 187 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question,

the Ayes are 31, the Nays are 26, 1 voting Present. Senate Bill 187 having received the required constitutional majority is declared passed. And now we will go back to...for what purpose does Senator Buzbee arise?

SENATOR BUZBEE:

Having voted on the prevailing side, I move to have the vote by which that bill just passed to be reconsidered.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to reconsider. Senator Johns moves to lay that motion upon the Table. On the motion to Table, those in favor say Aye. Opposed Nay. The Ayes have it and the motion to reconsider is Tabled. If I might have the attention of the Body, we were going to...starting on Senate Bill 255, the joint leadership has reviewed the bills: 255, all the bills on page 5, and the appropriation bills down through Senate Bill 280 on page 6. Yesterday we took the bills with just a roll call and we will proceed with those series of bills with individual roll calls without discussion or debate, and you may vote how you wish on each of those appropriation bills. Is there objection to that procedure? Hearing none, that will be the order. For what purpose does Senator Keats arise? We...we will take a roll call on each bill, Senator Keats, and if you wish to vote on the court of claims, you will be able to vote on that bill. The question is...Senate Bill 255. Read the bill, Mr. Secretary, please.

END OF REEL

REEL #9

SECRETARY:

Senate Bill 255.

(Secretary reads title of bill)

3rd reading.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock. The question is, shall Senate Bill 255 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 11, 3 voting Present. Senate Bill 255 having received the required constitutional majority is declared passed. Senate Bill 256, Senator Weaver. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 256.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 256 pass. Those in favor 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 40, the Nays are 13, 3 voting Present. Senate Bill 256 having received the required constitutional majority is declared passed. Senate Bill 257, Senator Vadalabene. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 257.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 257 pass. Those in favor 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 40, the Nays are 13, 3 voting Present. Senate Bill 257 having received the required constitutional majority is declared passed. Senate Bill 258, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 258.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 258 pass. Those in favor 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 44, the Nays are 10, 3 voting Present. Senate Bill 258 having received the required constitutional majority is declared passed. Senate Bill 259, Senator Carroll. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 259.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 259 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 13, 3 voting Present. Senate Bill 259 having received the required constitutional majority is declared passed. Senate Bill 260. Is there leave for 260 and 261 to be handled by Senator Carroll? Leave is granted. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 260.

(Secretary reads title of bill).

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 260 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 11, 3 voting Present. Senate Bill 260 having received the required constitutional majority is declared passed. Senate Bill 261. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 261.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 261 pass. Those in favor vote Aye. Those opposed vote Nay. The voting...for what purpose does Senator Grotberg arise?

SENATOR GROTBERG:

Just a question of the Chair. That's not an appropriation bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The whole series...it is, Senator, it's tied just...in the same way Senator DeAngelis' bill is tied to the...to the Scholarship Commission. The question is, shall Senate Bill 261 pass. Those in favor 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 46, the Nays are 10, 1 voting Present. Senate Bill 261 having received the required constitutional majority is declared passed. Senate Bill 262, Senator DeAngelis. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 262.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 262 pass. Those in favor 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 45, the Nays are 10, 1 voting Present. Senate Bill 262 having received the required constitutional majority is declared passed. Senate Bill 263, Senator DeAngelis. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 263.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 263 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 11, 2 voting Present. Senate Bill 263 having received the required constitutional majority is declared passed. Senate Bill 264, Senator Weaver. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 264.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 264 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? 1 the

record. On that question, the Ayes are 44, the Nays are 9, 3 voting Present. Senate Bill 264 having received the required constitutional majority is declared passed. Senate Bill 273, Senator Carroll. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate...Senate Bill 273.

(Secretary reads title of bill)

...3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 273 pass. Those in favor 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,...all right, on that question, the Ayes are 26, the Nays are 27, 3 voting Present. For what purpose does Senator Darrow arise?

SENATOR DARROW:

Thank you, Mr. Speaker. Having voted on the prevailing side by which Senate Bill 273 lost, I hereby move to reconsider.

PRESIDING OFFICER: (SENATOR BRUCE).

All right. Very good. Thank you. The motion is to reconsider the vote by which Senate Bill 273 lost. On the motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Now, the question before the Body is whether Senate Bill 273 shall pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 27. Senate Bill 273 having failed to receive the required constitutional majority is declared lost. Senator, I thought I committed an oops, but I guess I hadn't. Senate Bill 275, Senator Carroll. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 275.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 275 pass. Those in favor vote Aye. Those...opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 7, 1 voting Present. Senate Bill 275 having received the required constitutional majority is declared passed. Senate Bill 276, Senator Carroll. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 276.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 276 pass. Those in favor 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 39, the Nays are 16, 1 voting Present. Senate Bill 276 having received the required constitutional majority is declared passed. Senator...Senate Bill 277, Senator Carroll. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 277.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 277 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 19, 3 voting Present. Senate Bill 277 hav-

ing received the required constitutional majority is declared passed. Senate Bill 278, Senator Carroll. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 278.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 278 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 23, 1 voting Present. Senate Bill 278 having received the required constitutional majority is declared passed. Senate Bill 279, Senator Buzbee. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 279.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 279 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 10, 2 voting Present. Senate Bill 279 having received the required constitutional majority is declared passed. Senate Bill 280, Senator Buzbee. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 280.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 280 pass. Those in favor 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 45, the Nays are 8, 1 voting Present. Senate Bill 280 having received the required constitutional majority is declared passed. Senate Bill 288, Senator Rock. Senator Rock, did you wish to call 288? Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 288.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 288 is an amendment to the Illinois Pension Code and it comes to us at the request of the State Board of Investment and its membership. What it does, it provides for...indemnification of the members of the State Board of Investment with respect to their investment policies. Two things have happened in the last few years that have caused a great deal of concern among the members of the State Board of Investment. One, we...the ERISA law set down certain standards for fiduciaries with respect to investment policies; and then last Session, you'll recall, at the urging of the Governor, we afforded entry into the Pension Code of what's call the prudent man investment rule over, the objection of some of us but nonetheless it is there. And the State Board of Investment and its members have, since that time, been less than willing to engage in investment policies, absent any indemnification provisions. This will restate those provisions. I know it has the full support of the board. There is some concern, obviously, I guess, from

the Pension Laws Commission but the State Board of Investment, the State Treasurer have suggested very strongly that this bill receive our affirmative support and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 288 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the....take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 288 having received the required constitutional majority is declared passed. Senate Bill...is Senator Marovitz on the Floor? Senator Rock, for what purpose do you arise?

SENATOR ROCK:

...I just want to thank the membership. My batting average is rising slightly. I am still not...I still wouldn't be first in a draft call but we're doing better.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz, 293. Do you wish to recommit it so we can clear our Calendar?...all right, we'll leave it on the Calendar. Senate Bill 305, Senator Dawson. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 305.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, this bill was...discussed before I took it out of the record to clear up some matters about the amendment which I was given by the staff people, and what the bill does is give a

twenty-five percent discount to senior citizens and disabled people with a twelve thousand dollar or less income and over sixty-five years of age. Everybody talks about what they're going to do for senior citizens at campaign time, and now this is one time I'd like to see everybody come out and show the people what they really mean and what they're going to do for them. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 305 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 22, 2 voting Present. Senate Bill 305 having received the...received the...have failed...to receive the required constitutional majority is declared lost. Senate Bill 338, Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 338.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 320...338...if you'd change the board, please. This bill gives new focus and direction in the areas of mathematics, science and computer science within the gifted program that we have had for twenty years in the State of Illinois. It provides incentives for individuals to enter into the mathematics and science teaching fields through a...a system of traineeships and fellowships, the appropriation bill for which we have passed previously today. It establishes summer institutes at the Illinois colleges and

universities to allow approximately three thousand gifted and talented students and two hundred teachers to have advanced training seminars and lectures during the summer months. This is a bill which responds to getting our best and brightest to the forefront in these critical areas that face us in the future. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Maitland...Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This bill was on the Agreed Bill List and I asked Senator Berman to take it off, not that I was opposed to the bill, but I thought the Body had a right at least to hear his explanation of the bill. It seems to me that in our educational community today we are constantly funding special education programs for those special young people and rightfully so we should do. I think that's so very important; and yet, the gifted program in this State has enjoyed such low funding over they years, we've not recognized those special young people and I think we need to expand it. I think the cost is a modest one here. I think it's a good program. As I recall, the appropriation bill has passed out already, and I rise in support and would urge the Body to pass the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President and members of the Assembly. I happen to belong to the Council of Gifted Children and...and have taught them. I think you ought to look at some of the statistics. Twenty-five percent of our dropouts are now gifted children. I agree with the...the last two speakers; this is a program that we should be funding much more than we are but at least this is a start, and I

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solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berman may close. Question is, shall Senate Bill 338...pass. Those in favor 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. Senate Bill 338 having received the required constitutional majority is declared passed. Senate Bill 342, Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 342.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Well, thank you. Senate Bill 342 allows the Chicago Board of Education to do the same thing that every other school district in the State is allowed to do, and that is to base...to base its levy upon its estimate of assessed valuation. They have been unable to capture the full extent of their authorized tax rates without this kind of approval. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is...is there discussion? The question is, shall Senate Bill 342 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 6, 1 voting Present. Senate Bill 342 having received the required constitutional majority is declared passed. Senate Bill 344, Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 344.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 344 is an attempt to address a...a fiscal problem that has existed in every school district in the State and that is the one of rising utility costs. What this bill does is to allow a...a levy to...for payment of utility costs, three cents for elementary and high schools; ten cents for unit districts. It provides for a backdoor referendum. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

What are the utility costs for the State of Illinois for the respective school districts?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman. Senator Lechowicz.

SENATOR BERMAN:

I'm...I'm told...

PRESIDING OFFICER: (SENATOR BRUCE)

Oh, Senator Berman.

SENATOR BERMAN:

One figure that I'm...not able to say whether it's...how accurate it is. Somebody said it was fifty...fifty million dollars throughout the State.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

So what this bill would do is...provide a tax increase of fifty million dollars on real estate to pay for the utility for the schools, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Yes, sir.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

I don't believe I have to say anymore. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President and members of the Senate. I am generally empathetic to the problems of education and I realize that utility rates have gone up. However, I think we ought not to do this; and in addition to that, there is a disparity in the...in what Senator Berman is allowing between unit districts, and elementary and secondary districts. It's an awfully expensive package to do the wrong way.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berman may close.

SENATOR BERMAN:

This may be one of the few pluses that we're giving to the local school districts to fight their fiscal problems. This is a small authorization for...to meet the rising costs of utilities. It provides for backdoor referendum. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 344 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have

all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 11, the Nays are 40, none voting Present. Senate Bill 344 having failed to receive the required constitutional majority is declared lost. Senate Bill 289, Senator Coffey. Read the bill, Mr. Secretary, please. 389.

SECRETARY:

Senate Bill 389.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Fawell, did you wish to talk on this budget? Question is, shall Senate Bill 389 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 9, 1 voting Present. Senate Bill 389 having received the required constitutional majority is declared passed. Senate Bill 390, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 390.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey, did you wish to comment? Question is, shall Senate Bill 390 pass. Those in favor vote Aye. Those opposed...vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 10, 1 voting Present. Senate Bill 390 having received the required constitutional majority is declared passed. Senate Bill 393, Senator Bloom. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 393.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 393 pass. Those in favor 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 50, the Nays are 3, 3 voting Present. Senate Bill 393 having received the required constitutional majority is declared passed. Senate Bill 430, Senator Grotberg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 430.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBURG:

Thank you, Mr. President and fellow members. We've debated this bill on the amendment process. I would remind you, there are no amendments on it. It is pristine in its nature. It allows the township and ward committeemen of Cook County to cast their weighted votes for State central committeeman. It allows the downstate precinct committeemen to cast their weighted votes for State central committeeman...and either party that would ever use it would first have to pedal it to their State convention. It's not going to be an easy route. The Republican County Chairmen are...are in favor of it...almost to the person, and I know there is some debate on it here and there. I will take the roll call that's given. I urge that you allow us this privilege to have option number three for the method of selecting the State central committeeman of either party only after

approved by its own State convention.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator MacDonald.

SENATOR MACDONALD:

Mr. President, Ladies and Gentlemen of the Senate, I rise in opposition of this bill while it did get out of committee because I did think it was proper and appropriate for the entire Body to have a chance to express themselves on this bill. I do not think it is the right way to go. Don't think it is a proper way to take away from the people the right to elect officials that are as important State-wide as the...State central committeemen are, and I rise to strongly oppose this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I also rise in opposition to this bill. It was stated that all the county chairmen, or most all the county chairmen, was in favor of this. In the 19th Congressional District there was a vote taken, there wasn't...it was unanimous, with the...the members there was in opposition to this. So, I...I think it's taken the right to have grass roots voting, and I would oppose the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I again rise in opposition to bossism, and this is bossism in it's rawest form. This will certainly deny, I presume, the opportunity ever for minorities and women to participate in this most prestigious job, and I...it deserves a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Being one of the bosses, let...let me just say this, most of your citizens have no idea who their State central committeeman is or what he does. You, this weekend, go down and knock on...your neighbors' doors and say, who's your State central committeeman? They'll give you a blank stare. Ask them what they do, they'll give you another blank stare. This is a party position. Party people should be selecting these people, not the average citizen. The precinct committeemen, the precinct captain, they know who their State central committeemen are, they know what they do, and I suggest a green vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

No, I...I rise, too, in opposition to this. I don't think there's anybody on this Floor that lives in Springfield that doesn't know I'm there State central committeeman. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I don't know how they run for central committeeman in Mr. Philip's district; but in mine, we go out there and we...the people know who we are. I think that this is going to return us to back-room politics and I oppose this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns. All right. Any further discussion? Senator Bloom.

SENATOR BLOOM:

Who was that guy everyone said they knew who he was? No, I rise in support of this for...for these reasons. In the

first place,...that argument about bossism is...is, you know, it's cute and fun but it isn't accurate. The last two chairmen of our party central committee in Peoria County have been women and they've done a darn good job. I believe that because, at least, in our party we have a different kind of reward structure for our precinct committeemen, that having the the precinct committeemen at their county conventions to pick the State central committeeman, and I'm a State central committeeman, do it would make it, I think...the job of being a precinct committeeman more meaningful. And my colleagues want to know what the State central committeemen do. They go to meetings and they decide when the next meeting is going to be. But seriously, I...I think that some of these arguments against it are specious and I...I believe that it encourages and attaches a little more meaning to the role of being a precinct committeeman, especially downstate. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Now, there...there are other people seeking recognition. I wonder if...if...if about everything that could be said, the Chair would take the prerogative that perhaps if we could just take a roll call, we'd get about the same result. Senator Grotberg, did you wish to close? Fine. The question is, shall Senate Bill 430 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 21, the Nays are 35, none voting Present. Senate Bill 430 having failed to receive the required constitutional majority is declared lost. Senate Bill 440, Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would move to recommit Senate Bill 444 to the Committee on Revenue.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to recommit Senate Bill 244 to the Committee...444 on...to the Committee on Revenue. Those in favor say Aye. Opposed Nay. The Ayes have it. The bill is recommit-
ted. For what purpose does Senator Kenneth Hall seek recognition?

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen. I just wanted to say, I was denied my right to speak. The designated hitter over there has another bad bill, so I'll just sit down.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Smith on Senate Bill 445. Senate Bill 481, Senator Carroll. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 481.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll is recognized.

SENATOR CARROLL:

Why, thank you, Mr. President. If I might, first, I know I've notified the chair that had I been in my seat, I would have voted on Senate Bill...in favor of Senate Bill 305, I had been off the Floor at the time. On Senate Bill 481 there are no people movers in here. This is the approved awards of the court of claims through the process which is what we have done in the past. I know of nothing unusual in there, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yeild. Senator DeAngelis.

SENATOR DeANGELIS:

What time is the Sunset tonight? And have we gone past the time of Sunset?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

No, that's at eight fourteen this evening, so we still have about two hours and ten minutes to go.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 481 pass. Those in favor 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 39, the Nays are 16, 2 voting Present. Senate Bill 481 having received the required constitutional majority is declared passed. For what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Yes, I was away from my desk when Senate Bill 390 was called, and I would like the record to show that I would have voted Aye.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the record will so reflect. Senator Carroll. 485, Senator Marovitz. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 485.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is a bill that was drafted by the chairman of the Illinois Commerce Commission and is supported by the utility companies. It deals with a situation where the land-

lord has not paid his utility bill and much to their chagrin, the tenants get their...have the utilities shut off. It provides a...a plan...a payment plan and receivers court...appointed receivers so that the utility...utilities would get paid and that the service would be restored and that it would be taken out of prospective rents. I know of no opposition to the bill. The utilities and the Commerce Commission have worked together to draft this bill that will maintain service for people, and I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. Just one quick question. Senator Maragos...I mean, Marovitz, are you sure we don't have this law on the books today? Senator Cornell Davis and myself worked with the utility companies and passed this bill out of the House and Senate. Now, I don't know, maybe the Governor vetoed it...are you sure you checked the laws? This bill was passed in its identical form.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

We all look alike, but I am...I am absolutely certain that we do not have this law. It was drafted by the...by the Commerce Commission to deal with a problem that exists, because presently, although there is a...a legislation for a payment plan, none of the money has to go to the utility companies. This would insure that the receiver would be appointed and that the...the prospective rent payments would go partially to pay the utility bills so that the utilities would restore service.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

It's identical.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator...Marovitz, just got to be careful here, you don't all look alike to me. What about a situation where a landlord has a...a tenant who sneaks out and leaves him with several months of utility bills and then he re-rents the property and the client...the next tenant is in and suddenly we get into this situation and the utilities trying to dun the landlord for bills owned by previous tenant, is this a sneaky way to deny the landlord due process?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Not at all. All he has to do is go into court and do that, and this doesn't prevent his remedy against...he has a remedy against that tenant. This would...this has absolute remedy against that tenant.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

But why should the landlord be put in the posture of collecting the utility bills for the utility?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

The...landlord is not going to be collecting the...the bills for the utility company. The...the...as a matter of fact, the...the real estate industry is for this legislation. The landlord is not going to be put in that position at all.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

The Illinois Board of Realtors are for this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer. Further discussion? The question is, shall Senate Bill 485 pass. Those in favor 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. Senate Bill 485 having received the required constitutional majority is declared passed. Senate Bill 486, Senator Coffey. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 486.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. Senate Bill 486 is the increase in the motor fuel tax to four and a half cents, which generates two hundred and twenty-three million point two; and registration fee increase to thirty-six dollars, which will generate 67.5 million, with a total of two hundred and ninety million monies going to the Road Fund. I'll be glad to answer any questions you might have. The distribution on this money is fifty/fifty; fifty to locals and fifty to the State, and I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Is there discussion? Is there discussion?

Senator Lechowicz.

SENATOR LECHOWICZ:

One question, Mr. President, if I may. Is this exactly the same that was passed by the House?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

No, it is not. The House passed a registration fee it was forty-eight or forty-nine dollars and this is thirty-six dollars straight across the board on all vehicles. Their's was three and a half cents the first year, a cent for the next two years. Their's also addressed the eighty thousand pound bill which earlier we passed, Senator Chew's bill, addressing the eighty thousand pound registration fee.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

What's the difference in the loss in revenue from forty-eight to thirty-six, and how does that impact against your Federal Funds?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

The first year on the match, the Federal funds is...is approximately thirty million dollars. This bill will more than generate as...as I just mentioned, the dollars it will generate it'll...it'll generate many more dollars than it needs for the Federal match. The...this bill compared to...to the bill that passed, the McPike bill over there, as I understand, would generate somewhere in the neighborhood of...of three hundred and eighty-nine million. This bill with Senator Chew's bill, the eighty thousand pounds, which is also in the McPike bill, would generate somewhere in the neighborhood of three hundred and twenty-five million.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Well, I guess the...the concern is, why should we be doing this when there is a carefully worked out program that has now been reflected, not only in the...the Governor's original package here, but pretty well reflected in the bill that the House has now passed and that will shortly be before us?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Well, first of all, I didn't know that the House dictated to what we passed here in the Senate, but just to give you some...some other parts of the other bill coming over from the other side, the distribution to local governments they only receive thirty percent in the McPike bill, seventy percent to the State. It also opens up the...the width of trucks in this bill an extra eight inches, the length of trucks an extra five foot...and may other things that go to sixty-five foot on tractors with...twin trailers. There's...there's a lot of different things in this bill addresses. We just sent out earlier a bill that...that maybe we shouldn't have sent out also that dealt with the eighty thousand pound, it was Senator Chew's, it went out of here unanimously, and his bill and my bill will do the same types of things that this bill will do together.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Does this one address the diesel fuel question?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

We passed that out a little while ago, fifty-five votes, that was Senator Chew's bill. That put the two and a half cents diesel fuel tax on...you voted for that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

If I did, I didn't know it, which won't be the first time that's happened, but you...what you are saying though is that is not a...a part of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

It was Senate Bill 185 and...and it was a...diversion of that bill was much better than the other bill coming over because it only put the two and a half cents on. The bill that's coming over from the House also raised the...the fees from thirty-five thousand pounds up, twenty percent which...Senator Chew's bill did not. So, it was a much better bill, also, than the...than the bill coming over from the House.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Chew.

SENATOR CHEW:

Yes, Mr. President, to the distinguished Senator from the north side of Chicago, Senator Netsch, this is my bill and I'm supporting it. Now does that take care of the business? As...as you said earlier today, had you known it was mine you would have voted for it; I want to remind you this time, it is mine.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

I'd like to ask a question. Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Our analysis says that it goes from seven and a half to eleven, now I want a clarification of that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

The...the bill was amended on 2nd reading to go from three and a half cents to four and a half cents.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson. Further discussion? Senator...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I wonder if the gentleman would yield and explain to me the new language in Amendment No. 2 with...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey. Senator Rock, go ahead, I'm sorry.

SENATOR ROCK:

...yes, with respect of...apparently, to the distribution formula. It's...it's the bottom of the page of Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

In that amendment it did two things, it raised to four and a half cents and changed the distribution from which is the present formula on the old motor fuel tax dollars was sixty/fifty; sixty to the locals and forty percent to the State. This changed to fifty/fifty the distribution, fifty to locals and fifty to the State and which was okayed and supported by townships, counties and municipalities that was in agreement with this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, I wonder if you might just be a little more specific. The way I read this, Cook County gets sixteen percent and all the other counties get eighteen percent. What's the reason for that one?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

I am informed by my staff, that's the same as our existing formula on the distribution.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, then where is the change in the formula? All this appears to be new and underlined.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

...it's the same ratio, different numbers but on the same ratio...on the distribution.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Kenneth Hall.

SENATOR HALL:

Will the sponsor yield for a question? Senator, that in this bill are you increasing the...the registration...you're increasing the registration of all the cars?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

All...all cars, vans and trucks under eight thousand, which would be pick-up trucks, vans and cars, and that would include the ones now that's eighteen dollars and the ones that's thirty would all be a flat fee of thirty-six dollars

for all those vehicles.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, now what about this gasoline? Are you increasing it from...from seven and a half cents to twelve cents?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Coffey.

SENATOR COFFEY:

Yes, we are.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, now, evidently, there's been some wrong information put out. If...if what I read was that it was going to be three and a half cents, and another cent the year following, and then another cent the year following. Are...are...is this bill going to have this other attached to it to go up to forty-eight dollars on license plates also?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

That's...that's the bill coming over from the House. It...goes from three and a half to four and a half to five and a half cents the second year. This bill does not, it's a flat four and a half cents, it's thirty-six dollars. The House bill is forty-eight dollars. This bill is thirty-six and I have no intentions of making any changes in that. So, the...the House bill is forty-eight dollars; their's goes to five and a half increase, this is four and a half cent increase.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR COFFEY:

...House bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns.

SENATOR JOHNS:

Question, Senator Coffey. Do you think that a referendum by the public would pass this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

I don't know whether a referendum by the public, but at...at least, as far as I know, it's...it's been supportive of motor fuel tax would be...has been supportive of...from the information and letters I've got in my district and it's much more lenient than the...than the other bill that will be proposed to us.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns.

SENATOR JOHNS:

I can appreciate that, Senator. You're a very sincere, dedicated person, but what I'm trying to tell you is, the poor devil on the street has had it. Most of the people proposing these gas taxes increases, like Kramer, et cetera, never have to buy any gasoline. They drive around in State supported cars and they never have to buy any, and the Motor Fuel Commission, or the Motor Tax Commission, or the Highway Commission, or whatever it is, I don't think they have the compassion of the people at hand. Four and a half cents, that's what you're talking about on gasoline; thirty-six dollars on flat fee for anything under eight thousand, right? I rise in opposition to this bill and I hope that...to God that my people down home will realize that I tried my best to stop it, I don't see how I can.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, just one quick question. You mentioned the gasoline and the increments of one cent each additional year, what about the diesel fuel?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Senator Vadalabene, the...the...the difference in the change is the House bill, goes from three and a half to four and a half to five and a half. This bill is four and a half cents flat on the...on the motor fuel tax increase, no diesel fuel tax increase in this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene. All right. Further discussion? Senator Coffey may close.

SENATOR COFFEY:

Well, thank you, Mr. President and members of the Senate. I think this is a fair proposal. I think it will raise the amount of monies necessary to...to match the Federal dollars that we just appropriated and sent out; and if we don't match those dollars, as many of you are aware, that we lose that in our motor fuel...revenues coming back from the Federal motor fuel tax at a later date. We think this is a compromise that will address that problem, give us some money for a road program and address the needs of this State as far as our roads are concerned. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 486 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 20, the Nays are 32, 3 voting Present. Senate Bill 486 having failed to receive the required constitutional majority is declared lost. Senate Bill...495, Senator Bloom. Read

the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 495.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, here it is. Thank you, very much, Mr. President and fellow Senators. 495 creates a transitional prospective payment system to create incentives for cost control. This is among the three biggest issues bothering our constituents today; it's out of control; what we're doing. The distortions imposed on our health care system by its financing are...are just awful. I would commend everyone in this room to read, "The Hospital That Ate Chicago," and it's not about Chicago. It's about health care and what it's costing and what we're...what we're getting for our dollar. 495, contrary, you've received letters from various hospitals who tell you that there are men of dark purpose waiting to ambush them in the sinful city of Springfield. What it does, those of you who have been here in the Health Finance Authority wars, every one of the sponsors are allies of the hospitals from that war. The hospital association sought to have a Health Finance Authority created and they didn't like what they saw, and frankly, neither did this Senate. Each of us has been involved in a piece of the problem and now all of the problem, and I'd like to compliment especially Senator Dawson, Chairman of the...the Health and Welfare Committee and the minority spokesman and the members who got this bill out. All along, the hospital costs, our health care costs, have gone up and up and up, and during that Health Finance Authority war the hospital said, kill it and trust us, trust us, we'll come up with something but they haven't. Now we're

saying by this bill, get your head out of the sand, do something. I think it's unfortunate that as an association, although the individual hospitals have been helpful, County Hospital...Cook County Hospital supports this as does LaRabida, they've best described as intransigent. So, after consulting with the Health Care Coalition, the people that have been pushing us, from business, from labor, from agriculture, the hospitals are now isolated. Even with the amendment we put on that postponed it for a year, they...they...we'll give them one more chance to sit down and talk. We still have seen no amendments from the Illinois Hospital Association. So, I have caused to be filed with the Secretary, after consulting with my fellow State Central Committeeman, Senator Rock, a resolution that would leave 495 out on the Calendar, waiting; that would say, a select committee, made up of the sponsors of this bill, which would...which would appoint a panel which would bear its own expenses to sit down over the summer and by the fall or spring come up with a plan. Now, I've...I've gone on long enough, I'm sure that my cosponsor Senator Dawson and Senator Carroll have something to say, but at the appropriate time, I would like leave to suspend the appropriate rules so we could adopt this resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate, I, too, will be extremely brief. I think this is a most critical issue facing the State today. I don't think there's a member of this General Assembly who has not been inundated with people from their communities who have discussed with them the rising costs of the care...of health care, whether it be the insurance costs that they're now paying because employers are passing it through or they're

paying it themselves or the cost of...some particular hospital stay. It's gotten to the point that it seems to be and is, in fact, out of control. Illinois, unfortunately, has the distinction of having the second highest per diem cost in the nation. The highest one already has adopted a form of 495 in an attempt to get it under control. The highest one is Massachusetts and they have, in fact, adopted this type of format so that they would soon fall behind us and give us the honor of being the highest cost per day of health care. We have, in delaying the effect till October, agreed now, I think wisely, because for the first time all the participants are willing to sit at a table, regardless of its size or shape, and not argue those type of issues but rather attempt to create a solution to one of the three most pressing problems facing the State of Illinois today. And hopefully, we will be able to come back to you with a sensible, effective and efficient cost containment...health care and hospital cost containment measure. And, therefore, Mr. President, at the appropriate time, too, I would ask that we then go out of the order of business to the Order of Resolutions so that we can create this select committee at no expense of State dollars. This advisory panel, made up of all of the interested groups, providers of health care and payors of health care and users of health care, will, in fact, have to foot all the tabs for this particular advisory panel, and I would ask everyone to support that concept.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, I, too, as a sponsor have been trying to get the hospital association and the hospitals to come forward with amendments on this legislation. All I've been receiving is telephone calls and letters saying, the bill is no good, the bill is no good.

And all we keep asking was, well, then give us amendments to make the bill good. They couldn't find fit to take the time to do that, and they've sought to just put the pressure on everybody to say, leave it as it is so they could continuously rape the people of the State of Illinois with their obnoxious fees when somebody has to be in there. You know, no one goes into a hospital and asks, how much is it going to cost me when you're sick. So we feel now is an opportune time to come forward and say, let's do it while everybody is well here, make them sit down and make them come forward and do what they're supposed to do so they quit taking...ripping off the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom moves to go out of the ordinary order of business to the Order of Resolutions for consideration of Senate Resolution...204. On the motion, is there leave? Leave is granted. Senator Bloom now moves to suspend the rules for the immediate consideration and adoption of the resolution. On that motion, is there leave? Leave is granted. On the motion to adopt, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it and the resolution is adopted. Senator Bloom.

SENATOR BLOOM:

Yes, Mr. President. The clock is still ticking, the clock is still ticking with the amendment to delay. And if no solution emerges from this approach, then 495, which is what they finally...the Legislature finally in despair did in Massachusetts, this spring, will come. So we want you to know that the clock is still ticking and when you...you talk to your hospital administrators, tell them the clock is still ticking, and if they have a better mousetrap and the...all the providers do, then I'm sure you will see a bill next spring that all fifty-nine of us can support. Thank you for your time, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Thank you, Senator Bloom. Senate Bill 522, Senator Keats. Health and developmental disabilities. Do you wish to call that? Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 522.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats, your time is running.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill was on the Consent Calendar; unfortunately, it had to be pulled off for an amendment. I'm sorry it took the time. It updates the financial liability table for the Department of Mental Health and Developmental Disabilities. I'm more than happy to answer any questions anyone has. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President, the committee supported this bill and everybody else. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? Senator Keats. Question is, shall Senate Bill 522 pass. All those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 522 having received the required constitutional amendment...majority is declared passed. Senate Bill 536, Senator Collins. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait...pardon me, Senator Hudson, for what...all right. On the...on the Order of 3rd Reading, Senate Bill 536, Mr. Secretary.

SECRETARY:

Senate Bill 536.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Body. I'm sure by now all of you know that Senate Bill 536 is the Comprehensive Collective Bargaining Act for the State of Illinois for public employees; and public employees is defined under this Act as those working for the State of Illinois and all of its political subdivisions. The Acts is a composite effort of a lot of people for a long time, not just this year but for many years in this State, to come up with a collective bargaining law that can be fair to labor and at the same time not obstruct the operation of local governments. Specifically, the Act provides for a Illinois Labor Relations Board to administer the Act. It establish collective bargaining rights for public employees. It prohibits the right to strike for category of employees; firemen, police, security personnel, and we have agreed that it will be amended in the House to include some other life safety personnel that have been brought to our attention that is essential to be covered under this bill. For other employees, such as teachers, those who are...currently covered under AFSCME, we have an impasse procedure that I feel will totally minimize the possibility of strikes. The bill also sets forth criteria for unfair labor practices for labor

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organizations and employer. It provides for an appeal process through the appellate...courts when any party have an grievance as it relates to board decision. I think it is a good bill and I would like to take this opportunity to specifically thank the staff who has been working long hours at night, and also the various groups with diverse interests for their hard work on what I consider to be one of the best collective bargaining bills in the thirty states who have already adopted them. I would be happy to answer any questions. If not, I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Keats.

END OF REEL

REEL #10

SENATOR KEATS:

I thank you, Mr. President. Everyone knows what the bill is, I will not debate the bill, but for technical reasons we have questions that have to be asked. So, I'm going to read off the questions and I ask the sponsor if she will yield, and then for anyone who wants to debate it, God bless you. You know, we're in no hurry to go home.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she'll yield. Senator Keats.

SENATOR KEATS:

Thank you. Senator Collins, is it...is it a correct assessment of Senate Bill 536 to state that this legislation does not mandate or require any individual to join a...a labor union or to participate in any labor activities if they do not wish to do so?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, it is. It does not mandate anyone to join a labor union.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats...whoop, Senator Collins.

SENATOR COLLINS:

And it provides for recourse if they are forced or coerced by the employer or a labor organization.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you. The second question, does this bill attempt to follow as closely as possible language found in the NLRB, or National Labor Relation Act, and labor law provisions

interpreting that Act?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, it does. Some provisions are worded almost directly from the National Labor Relations Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Three, would the labor board under this legislation consider the same factors as those considered by the NLRB in its determination; such as, determinations of whether a subject of bargaining is mandatory or permissive in nature?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Repeat.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Would the...would the labor board under this legislation consider the same factors as those considered by the NLRB in its...determinations; such as, determinations of whether a subject of bargaining is mandatory or...permissive in nature?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

In determining an appropriate bargaining unit under this legislation should the labor board follow private...follow Federal private sector precedent pointing against the

fragmentation of bargaining units?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

The board will decide, and I will tell you why. We have all kind of suggestions offered and the best decision that we could come up with is to allow the board to make that determination as it relates to fragmentation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

If a contract agreed to pursuant to this Act contains a fair share agreement, is the intention of this Act to permit such fair share agreement only to the extent permissible under controlling court decisions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

You...I'm sorry, you're going to have to repeat, you're going a little too fast.

SENATOR KEATS:

Oh, excuse me...number...number six.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

If a contract agreed to pursuant to this Act contains a fair share agreement, is the intention of this Act to permit such fair share agreement only to the extent permissible under controlling court decisions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

...well, yeah, my staff aide said yes here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Keats.

SENATOR KEATS:

Excuse me, Earlean, I see your problem, I skipped one, sorry about that. Would the board defer to arbitration conducted pursuant to a valid contract as it does in the private sector?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

...this bill states that supervisory and nonsupervisory personnel may not be joined in the same bargaining unit, why is that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Because we could not arrive at agreeable language and so we did as the Federal Government that allowed them to be organized as a separate body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats...whoop,...Senator Collins.

SENATOR COLLINS:

To avoid conflict of interest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

By this same token, would the board, in your estimation, act by rule to prevent unions representing supervisors from also representing nonsupervisory personnel?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

No, because I think...the intent is that they would be one separate unit. That is the intent. If the language need tightening up to make certain that...that it doesn't happen, we will, you know, tighten up the language.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

The case of security personnel and nonsecurity personnel?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, is...is...Senator Collins.

SENATOR COLLINS:

The board has the power to make those decisions by rule.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

The...the final question, may a court enjoin any illegal strike under this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I...I think the sponsor...I apologize for taking the time, we've just probably saved our local governments and...and the public sector employee unions about five years of litigation and a couple hundred thousand dollars in legal fees. My objections to the bills are philosophic, and while I...and I appreciate the work you've done, I just philosophically don't support the bill, but thank you for your cooperation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any further discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, the city has removed its opposition to this bill and will support it now and work out their differences in the House. So, I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I know the hour is late, I'll try to keep my remarks brief. I will not prolong the questioning, I think the questions have been asked pretty much. But I think that I recognize the whistle of the organized labor train coming down the track when I hear it, and it's coming. But, unfortunately, in my opinion, lashed across the rails and across the tracks are our local units of government, our municipal...municipalities who are violently opposed to this measure. And there they are lashed to the tracks with the train coming down and there isn't a great deal that they can do about it without our help here this evening. And the...only help we can be is to defeat what I consider to be probably the worst bill...I though 336 was bad but, of course, this is ten times worse. It has to be one of the...one of the most far-reaching and, I think, dangerous bills that we are to consider. It may be very well that the votes are here. The votes may be in the House and the...may...Governor may sign this measure finally, but that doesn't necessarily mean it's right. My opposition is based on three points, I will reiterate these quickly and then close. But there is an element of compulsion here; this is mandatory collective bargaining State-wide; it does introduce the element of...compulsion; makes something mandatory that we hitherto have done on a...a district basis. This would put the State

seal of approval on mandatory collective bargaining, and I think this is wrong. The cost is going to be astronomical, and the point has been made to me and I will repeat it to you, that anyone voting for this better be prepared to vote for an income tax because the cost to the State of Illinois by the time the measures contained in this bill are implemented is going to be astronomical. And I think that any...any governor who has any illusion of keeping the lid on costs in the State with this in effect better think again because I don't think it's possible. The last point, the concept, I think, is bad. The Municipal League, in my opinion, is absolutely right when it states that it feels, and I do too, that we are tinkering here with a...with State sovereignty. I think that when we turn over to a...a...a select unit, i.e. the union, an exclusive bargaining agent turn over those powers and bring that unit in as a coequal of State Government, that we are giving away, as State legislators, something that we have really no right to give away because we are in so doing excluding many, many taxpayers who have as much to say, or should have as much to say, about what our school teachers are paid and all the rest as anyone else. So, I think this is wrong. Those three points, the compulsive element...compulsion, the cost and the concept. I think this bill is flawed on all three counts. It is going to be, in my opinion, a disaster for this State, and I would urge its defeat.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? There's an additional five Senators who wish to speak on this question. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, first of all, I want to say that I would be always in favor of the concept of collective...collective bargaining with

compulsory binding arbitration right of appeal to the courts. However, this bill does not do that. On...in Section 2 of this bill it says that, "All collective bargaining disputes involving police, fire and other security personnel shall be submitted to impartial arbitrators," et cetera. But then you go to Section 5 of this bill, and in Section 5, if you look at Section 5 of this bill on Page 7 it says that, "The employees have the right to engage in other concerted activities for the purposes of collective bargaining or other mutual aid or protection." The definition of...of concerted activities as set forth in the Supreme Court case of Wilson versus NLRB 414 Federal 2nd 1345 decided in 1969...says that this language is the right to strike. Therefore, I say that they do have the right to strike even though they are security and police and fire personnel. There's another point that I want to bring out to you, if you'll look further into the bill,...page, please...in the last page of the bill there's a...in the Section 15, the last paragraph it said, "Nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act nor shall any court," listen to this folks, "nor shall any court issue any process to compel the performance by an individual employee of such labor or service without his consent." In other words, the courts are stopped from even enjoining in...an individual if he's wrong or is illegally striking. That's one of the main points in the bill that is bad. And another point, I might say, that this bill preempts home rule municipalities. I received a letter from the Mayor of Waukegan, Bill Morris, showing great concern with the collective bargaining bill that is set forth and herein. I might say that you might find another section, Section 12. It says, "No public employee shall withhold services until at least thirty days after the labor organization represents a majority of the employees in an...in an appropriate facin-

ing unit notifies the Illinois Public Employees Labor Mediation Panel." Now,...et cetera. That means that after thirty days they'd have the right to go out and strike. So, all the binding arbitration language in here is an additional factor that they can use. I say this is a very bad bill, because I'd like to know, do you want your public hospitals, your...where the mentally insane, do you want them...the employees in there to go ahead on strike? This applies to all locals...all units of local government. Do you want your nursing homes...your public nursing homes to be left...the old people left without any help because the public employees have the right to strike under this bill? Do you want the people to be not cared for that should be by public employees? I believe in compulsory binding arbitration for all employees with right of appeal to the courts, but that's not what this bill does. This bill depraves it deprives, rather, the rights of the public to good health care. And I say to you, this is a disaster. This bill is as much a disaster as Senate Bill 336, and it's really a bill against the public's interest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Senator Collins, I want to make it sure that this...the record is right because it's been represented to me that included over in the House, when the bill gets over there, that hospital personnel, or however they're going to be classified, that kind of people are going to be put under binding arbitration as well as the garbage collectors or sanitation people or whatever category they come in, is that correct? That two categories of people are going to be put under binding arbitration?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. We have agreed to make the statement, "Employees that...protects the...the life and health, safety workers," and we will specify.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. Senator Collins, I was trying to read through the amendment, I read through the bill, does the...amendment change the bill substantially?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, the amendment is the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

No, my question is, does it alter it substantially?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Not the...the basic concept, it just change the words and...and provides for finding and binding arbitration that was not in that original bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Alright, then I guess...and I had these questions when I read the bill, there is nothing that is prohibited in this agreement in terms of what the elements of collective bargaining will be? In other words, if this passes, the repre-

sentative of the collective bargaining unit will be able to bargain for anything, wages, hours, hours of work, everything.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Senator, that was one of the logjams, and how we resolved the problem was to allow the board to determine the scope of bargaining with the exception of the wages, hours and what we have in...in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

You're saying to me now that one of the changes is that the board is going to determine the elements of collective bargaining?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Approval of the additional elements that's not in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

And are we bound in the General Assembly by what that board does?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

I hope we are, if we create the board and give them the powers and duty to do so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

I hope we're not. Because let me point out to you, Senator Collins, there are certain plans, retirement plans of the General Assembly, health plans of the General Assembly, health plans of the rest of the people that will not be covered by that agreement, that will, in fact, be affected by whatever is bargained for and, in fact, gained or lost, 'cause you can lose in a collective bargaining agreement, gained or lost in that collective bargaining agreement. Now, I think you ought to give consideration for leaving some elements out that impact on other members who will...who will not, in fact, be members of that bargaining unit but will have to be drawn along by it because of the collective bargaining unit. Can I...can I just have a couple more minutes on this 'cause this is...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Okay. Now, I trust that you have binding arbitration in the areas of public safety, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes...yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...DeAngelis.

SENATOR DeANGELIS:

Let me point out that I have been an advocate of collective bargaining, the president of a company, negotiated labor contracts and it's always been under collective bargaining. But let me tell you what I don't like about binding arbitration. It, in fact, destroys the good faith of collective bargaining. Why do you have to bargain if you have binding arbitration? In fact, the reality is if you have binding arbitration, you don't need to bargain at all because the

binding arbitration will take care of your nonbargaining. Now, let me also point out to you the realities of binding arbitration. Why should I...why should I, in fact, submit anything in the way of a favorable, either reply or a proposal when I know that in most situations, in fact, in all situations regarding binding arbitration the starting point of the...binding arbitration is where the last agreement was cut. So, if I'm going to enter in that...and I'll tell you, I'll take either side, if I were the collective bargaining representative, I'd give you a list of four hundred and fifty things I want. If I were the other person, I would tell you no to all of them, because when you go into binding arbitration, that's the point you're going to start. The minute I would agree to any of those, then that is the starting point from where binding arbitration starts. Now, the part...the other part that bothers me about binding arbitration, is there any provision in this at all that the binding arbitration...that the binding arbitration decision...decision has to weigh the impact of what the current revenues or the tax structure of the State is? Because in reality, the decision for that binding arbitration might force...might force us to have to take action here in order to cover the results of the binding arbitration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there further discussion? Ladies and Gentlemen, there are several speakers on this subject, and I would...oh, I would admonish the...the members to be...mindful of the clock. Senator Collins.

SENATOR COLLINS:

Yes, Senator DeAngelis, I am aware of those problems and I think those problems have been adequately addressed in this bill, and...and specifically as it relates to money matters. It is addressed in this bill, and if you went in there with zero and I went in there with a hundred thousand dollars,

yes, they would...after he will then send them back, if they still can't resolve it, he will send them back, in this bill, for two weeks of an additional negotiation and bargaining; and if they don't, it is up to him to make the decision and they will have to abide by that decision, and...and coerce to enforce it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright, Senator DeAngelis, could you wind up, please.

SENATOR DeANGELIS:

...I would just like to have the section pointed out that resolves the issue that says that this will take into consideration the revenues or the tax structure of the State of Illinois in those agreements. If...if you'll just point out that section, I'll just shut up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Collins.

SENATOR COLLINS:

Page 24, lines 23...yeah, 20 through 23.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President and fellow Senators. A question of the sponsor, if you please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield.

SENATOR GROTBERG:

Senator, may I ask you, for the record, that...that there is binding arbitration and there is an arbitrator, correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

For police and security personnel, and it will be for life safety...other life safety.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotberg.

SENATOR GROTBERG:

My question then, Senator, on Page 24, line 20 through 22 that you just cited, may the arbitrator arbitrarily demand or settle for more available revenues than are...more revenues than are available by the unit of government?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

This...I doubt it very serious. He would have to take one or the other...start from one of the others offer and...and...and...and...and deal from that, and I...under the other practices of an arbitrator, I've never known any cases where he would go above, you know, the budget.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotberg.

SENATOR GROTBERG:

Senator, once again, you've never known...there have been no other...you're about to create a can of worms for all of the people of Illinois. Yes or no, can the arbitrator settle for more than the available revenues? Yes or no?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

He has to take the last offer of either side with these stipulations, the interest of the welfare of the public and the financial ability of the unit of government to meet those costs, that is spelled out in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Grotberg, your time is about to expire.

SENATOR GROTBERG:

Thank you, Mr. President. Can the...can the binding arbitration award force local officials to increase taxes, which is, of course, what we're building up to here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR GROTEBERG:

Yes or...

SENATOR COLLINS:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Groteberg.

SENATOR GROTEBERG:

Thank you, very much. All I can tell you is that it's been a pleasure doing business in the State of Illinois up till now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I would like to ask the sponsor to direct her attention to Page 4, Section 4 where it talks about the Labor Relations Board. It is directed in the bill that the Labor Relations Board will consist of three members appointed by the Governor with the advice and consent of the Senate; one member shall be a representative of labor organizations; one shall be a representative of public employers and one shall represent the public, and that person whose experience does not, and I point up the word "not," include substantial time spent representing either public or private employers or employee or labor organizations in labor relations matter...labor relation matters. The very next sentence says, "The Governor shall appoint to the board only...only persons who have had a minimum of five years of experience related to labor and employment relations law, either in representing employers, labor organizations, teaching, administering labor." It seems to me that is says the person appointed does not have anything, and then in order for the Governor to put anybody on they have to have at least

five years. That to me is substantial.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is that a...is that a question, Senator?

SENATOR BUPP:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, Senator Collins.

SENATOR COLLINS:

Senator, I can understand why there could be some confusions from that language, although that is not the intent, and we will make the technical change to clarify that language in the House, and I think we've spoken about it prior to this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator...any further discussion? Senator Barkhausen, for what...Senator Grotberg, for what purpose do you arise?

SENATOR GROTEBERG:

Just on a parliamentary inquiry. At the close of the debate I would ask you the question, does this preempt home rule powers? And you know the next question to let...I'm sure you have the script ready but I'd like to hear it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

With the indulgence of you, Mr. President and the fellow members, just a few brief questions. I'm not sure...which I'm not sure were addressed...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield.

SENATOR BARKHAUSEN:

Could you tell me, Senator Collins, does...does...under your bill does a strike in order to be legal have to be sanctioned by the recognized exclusive bargaining agent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, absolutely. If...not, they can take them right into court.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

So, what is commonly known as a wildcat strike would be illegal under this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

It is specifically prohibited in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Is there any reason that you...left out, as I believe you did, a definition of concerted activities?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

What...what page?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, I'm looking at your section of definitions, Section 3, I believe.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

No, no...specific reason for...for not defining...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Because then in Section 5 where you talk about employees having the right to engage in other concerted activities, without specific definition that would seem to be rather vague language, and if it's not...a definition is not contained in the Act, I wonder where the board or the courts are supposed to...to look to arrive at that definition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

I have no...no problems in clearing it up in that section, but under the section of unfair labor practices, it spells it out completely what...what we mean by the activities, why strikes and we...wildcat strikes, I mean, and why it would be prohibited and...and considered under the...defined as an unfair labor practices.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Barkhausen, your time has expired...any further discussion? Senator...Savickas. Alright, Senator...further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield.

SENATOR SCHUNEMAN:

Senator Collins, you have repeatedly made the point that certain employees are not allowed to strike.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Collins...Senator Collins.

SENATOR COLLINS:

Yeah.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Schuneman.

SENATOR SCHUNEMAN:

Statement...you have made that...you have made that point. Does...does this bill prohibit, for example, on the part of policemen not a strike but what's commonly known as the blue flu where they simply don't show up?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, it specifically address that. Any kind of work stoppage, any...any kind by, you know, taking off with the blue flu or however they want to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Schuneman.

SENATOR SCHUNEMAN:

...okay. So, now we get to my question. On Page 29 of the amendment, in line 2, in the part that first says, "Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent," that I understand. But it then goes on and says, "Nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act." Well, it seems to me that the blue flu is precisely what you're describing there, and that what is being described there is precisely what most employees do when they go on strike. Most employees are not on the picket line, they simply quit their labor. Now, some of them march up and down with placards. But I submit to you that that phrase gives every public employee in the State of Illinois the right to strike.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any further discussion? Senator Collins may close.

SENATOR COLLINS:

That...let me respond to that first. This provision is directly worded from the National Labor Relations Act. It does not, it does not permit any labor strike...internal

strikes, I mean.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Grotberg, for what purpose do you arise?

SENATOR GROTBBERG:

Thank you, Mr. President. The question of the Chair and the Parliamentarian is, does Senate Bill 536 and its substantive matter thereof preempt home rule powers; and if it does, what is the required vote of this Body?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The Chair is prepared to rule. Pursuant to Article VII, Section 6H and I of the Illinois Constitution, Senate Bill 536 provides the State has exclusive jurisdiction in collective bargaining and no units of local government included...including home rule units may exercise concurrent authority in this matter. Therefore, Senate Bill 536 is not preemptive and would require a simple majority or thirty votes for passage. Senator Grotberg.

SENATOR GROTBBERG:

Only to register an official challenge that the ruling of the Chair is in question and we're all going to go home one way or the other, but let the record show that we challenge that ruling.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall Senate Bill 536 pass. Those in favor will vote Aye. Those opposed will vote Nay. The...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? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 23, none voting Present. Senate Bill 536 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 roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip has requested a verification. Will all members be in their seats. The Secretary will read the affirmative votes.

SECRETARY:

The following voted in the affirmative: Berman, Bruce, Buzbee, Chew, Collins, Darrow, Davidson, Dawson, Degnan, Demuzio, Hall, Holmberg, Johns, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Lenke, Luft, Marovitz, Metsch, Newhouse, Rupp, Sangmeister, Savickas, Schaffer, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip, do you question the presence of any member? Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

How am I recorded?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco, you are not recorded.

SENATOR D'ARCO:

Record me as voting Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Under our rules...under our rules we cannot do that. Senator Philip, do you question the...the presence of any member?

SENATOR PHILIP:

Yes, Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman is on the Floor.

SENATOR PHILIP:

Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Emil Jones is on the Floor.

SENATOR PHILIP:

Senator...whoop, whoop, whoop, I see him. Senator Buzbee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Buzbee on the Floor? Senator Buzbee on the Floor? Strike his name.

SENATOR PHILIP:

Senator Nega.

PRESIDING OFFICER: (SENATOR DEMUZIO)

He's not even a member of the Senate.

SENATOR PHILIP:

Nedza...Nedza.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza did not vote.

SENATOR PHILIP:

How about Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke is sitting in his seat. Do you question the...the presence of any other member? Mr. Secretary...on that question, the roll call...the roll has been verified. The Ayes are 31, the Nays are 23, none voting Present. Senate Bill 536 having received the required constitutional majority is declared passed. Senator Johns moves to reconsider the vote. Senate Chew moves to Table. All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion is Tabled...lie on the Table. Alright, on the Order of 3rd Reading, Senate Bill 552, Senator Hall. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 552.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a very simple bill, it's just a vehicle. The reason that this is in is when we passed the consolidation of election, that was supposed to be the answer to all the prayers of the election. We did not take in consideration the cities that had declining revenues. I have a city in...the City of East St. Louis that where their assessed valuation has dropped from three hundred and eighty million down to thirty-nine million dollars with the State...with the city having to pick up the cost of all elections and the last elections...two elections ran over fifty thousand dollars each, and they only were able to get, with the tax that we put on, seventeen thousand dollars. Now, we have to find some vehicle to...in order to allow those cities to pay for the cost of...of election or else what we're doing we're putting a poll tax on poor cities. So, I'm just asking for this to be passed out of here and try to see if we can come up with amendments somewhere to raise some funds in order that we take care of the cities that we mandated that they pay for the cost of elections, and that's why that I ask your favorable support of this bill. It's very, very simple.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator,...is this the only purpose, the one that you've just outlined, that you have for this bill? That's one question. Then the second one, which I'll ask right now in the interest of time; you...you're acting as a designated hitter are you in this instance?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Hall.

SENATOR HALL:

In this instance, I'm a designated hitter, and the only thing I'm asking for is some way to pay for the cost of election. The chief judge has asked that we come up with some type of funds or else the city will not be able to hold an election. Just to give you an example, I'll be very brief. When we put on the constitutional amendments on the ballots last time, the cities are...are supposed to send out the notices. They did not have the money to pay for the stamps. They are reimbursed later by the Secretary of State, but they could not even send those out. So, you face them and put them in a position where they cannot comply with what...this Body mandates.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any further discussion? Any further discussion? The question is, shall Senate Bill 552 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? 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 25, 1 voting Present. Senate Bill 552 having received the required constitutional majority is declared passed. Senate bill...there's been a...Senate Bill...on the Order of 3rd Reading, Senate Bill 563, Senator Joyce.

SECRETARY:

Senate Bill 563.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Well, I was asking to verify 552, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Weaver has...has requested a verification. Senator Weaver has...requested a verification of Senate Bill 552. Mr. Secretary, would you read the affirmative votes, please. Will all Senators be in your seats.

SECRETARY:

The following voted in the affirmative: Berman, Bruce, Carroll, Chew, Collins, D'Arco, Dawson, Degnan, Demuzio, Egan, Hall, Holmberg, Johns, Jones, Jeremiah Joyce, Jerome Joyce, Lechowicz, Lemke, Luft, Marovitz, Metsch, Newhouse, Sangmeister, Savickas, Smith, Vadalabene, Watson, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver, do you question anyone?

SENATOR WEAVER:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Carroll on the floor? Senator Carroll on the floor? Senator Carroll is on the floor.

SENATOR WEAVER:

Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse. Senator Newhouse on the floor? Senator Newhouse is on the floor.

SENATOR WEAVER:

Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Watson on the floor? Senator Watson on the floor? Strike his name, Mr. Secretary. Alright. On that question, the Ayes are 29, the Nays are 25, 1 voting Present. Senate Bill 552 having failed to receive the constitutional majority is declared lost. Senator Darrow, for what purpose do you arise?

SENATOR DARROW:

Thank you, Mr. President. Having voted on the prevailing side by which this last piece of legislation lost, I hereby move to reconsider the vote by which it lost.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright, Senator...Senator Darrow has moved to reconsider. All those in favor signify by saying Aye. Opposed Nay. Ayes have it. On the Order of 3rd Reading, Senate Bill 552. Mr. Secretary, read the bill. Already been read. Senator Hall. Alright. The question is, shall Senate Bill 552 pass. All 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 31, the Nays are 22, 1 voting Present. Senate Bill 552 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 563, Senator Joyce. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 563.

(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. Senate Bill 563 seeks to deal with a...the problem surrounding the care of children born with a...with serious handicaps. I have distributed to the members a statement of Doctor David McLone, who is the chairman of neurosurgery at Children's Memorial. This bill has been amended since committee, substantially amended, in an attempt to meet most but not all of the objections that were raised during the committee hearing. The...there...there are still some

opposition to this, and I think it will probably remain as this bill travels through its journey, whatever that may be. The bill sets up a procedure to gather information on the disabled children in Illinois. It also sets up a procedure to disseminate information on how to treat and deal with disabled children; and finally, the bill sets out a procedure for reporting cases where children who are disabled are being denied treatment that is otherwise available to other nondisabled children. There is a problem here and people tell us we can't deal with it; yet those who know the problem best, the most preeminent physicians in the field, and I'm talking about Doctor McLone; I'm talking about Doctor Rumundie; I'm talking about Doctor Goldberg and a whole host of others and all of the associations that deal with this problem tell us that we can work and we can pass legislation that will help. That is what I am asking this Body to do this evening. I will answer any questions you may have, and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any discussion? Is there any discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, I commend Senator Joyce for this piece of legislation. He put many hours on it and tried to rectify a lot of the problems with it, and I know there are a few more left and I feel that they can be worked out, maybe in the House, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Schaffer.

SENATOR SCHAFFER:

As I mentioned when the bill was amended, without the amendment, voting for the bill was a great act of faith. Frankly, now it's just an act of faith. The bill...still

needs a great deal of work, but I do have faith in the sponsor. And there is a problem that does need to be addressed in some manner, and I'm hopeful that through the continuing process we can come up with a responsible solution to what is admittedly a very difficult situation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...any further discussion? Senator Bloom.

SENATOR BLOOM:

Briefly, Mr. President. I am a cosponsor of this, and for a lot of reasons. Will the sponsor yield at least to one question that was...okay. It was brought to my attention, oddly enough by the Hospital Association,...the bill...the bill says that where the doctors and nurses don't do certain things that the hospital shall, that puts them in a Hobson's choice 'cause they're not licensed to practice medicine or to do nursing. Do you represent that you can find language to take care of that problem in the House?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Joyce may close.

SENATOR JEREMIAH JOYCE:

I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 563 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are none, 8 voting Present. Senate Bill 563 having received the required constitutional majority is declared passed. Senate Bill 570, Senator Holmberg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 570.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

This bill creates math and science scholarships for teachers. It was originally on the Agreed Bill List, was taken off, I guess rather by mistake. And, as I understand it, there is no opposition at this time. I move for its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Any discussion? The question is, shall Senate Bill 570 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 3, 1 voting Present. Senate Bill 570 having received the required constitutional majority is declared passed. Senate Bill 620, Senator Egan. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 620.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. This is a relatively simple bill. It allows a deduction of...from the Illinois Income Tax to match the fees that are paid to a licensed child welfare agency for services provided in acquiring a...a child for adoption. Generally, those fees

are in the area of about a thousand dollars. I know of no opposition, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

What...what is the fiscal impact of the...of the bill now that it has been amended? Prior to amendment, I know the impact was estimated to be 1.6 millions of dollars annually.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, it...it...we...it's negligible, it's not that much; and it's...I...what I'm told is it's considerably less than that, Senator Etheredge. There is an impact but it's so negligible that there is no estimate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, then I would just point out to all the members of the Chamber that there is a price tag on this...on this new...new effort that the bill proposes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Egan may close.

SENATOR EGAN:

Yes, thank you, Mr. President. I...I would agree, Senator Etheredge, but it's so negligible that really there is very...the...the...it's outweighed by the purpose of the bill. And I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 620 pass. Those in

favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all..wish to reconsider. All voted who wish? All voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 21, 1 voting Present. Senate Bill 620 having received the required constitutional majority is declared passed. Senate Bill 622, Senator Buzbee. Senator...Senate Bill 626, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 626.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senate Bill 626 addresses a serious lack of uniformity in property tax appeals cases in Cook County. It requires decisions of the Cook County Board of Appeals to be subject...subject to the Administrative Review Law when they are appealed to the circuit court. By amendment, it also requires that the record be certified at the Board of Appeals level; it requires that the effective date shall be January 1st, 1985; and it also establishes some filing fees in answer to some questions about whether or not this would pose an...undo burden on the Board of Appeals. The effect of this change will be to require the circuit court to review taxpayers cases and decide appeals cases on the manifest weight of the evidence rather than what is known as constructive fraud. That requires the taxpayer to prove that the assessor has fraudulently assessed the property. The margin of error required...you must prove is somewhere between two hundred and three hundred percent. It's an impossible burden of

proof. The property tax in Cook County is the only tax in State or local government in Illinois which is not subject to the Administrative Review Act. This bill has the support of the Civic Federation, the Chicago Association of Commerce and Industry, the Taxpayers' Federation. The Chicago Sun-Times editorialized that Cook County property taxpayers deserve the same rights that other Illinoisians have. I'd appreciate a favorable roll call, and I'd be willing to answer any questions.

PRESIDENT:

Any discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yes, Mr. President and members of the Body, the...this bill does deal with a very real problem, but this bill does not effectively deal with that problem in that it might create more problems than it solves. There are some questions with respect to how this is going to be administered. Some questions with respect to where the monies are going to come from. We're talking about forty thousand cases in Cook County. This bill is unclear as to where...what standing the assessors assessment actually has, what burden is going to be placed on the assessor's office. And back to it's...to...to our main concern here, where is the money going to come from for this; and while all of us recognize the unfairness of the doctrine of constructive fraud, I think that there...this bill needs further work. And I'll be voting Present.

PRESIDENT:

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

SENATOR KUSTRA:

Yes, if I can just address myself to the cost. First of all, there really isn't going to be a big difference in the kind of work that is done. The taxpayer, when he or she goes before the Cook County Board of Appeals, at this particular

time, under current law, has to take along that appraisal; there has to be some discussion of the...of the case; and then, of course, if the taxpayer doesn't get any equity at the Cook...with the Cook County Board of Appeals, the taxpayer takes it to...or into the circuit court. And what we're saying here is that when the matter is reviewed by the circuit court, there ought to be a review on the record rather than a de novo review. I've put filing fees into this bill to take into account the cost of any added administrative burden. I think that's the answer to the question which Senator Joyce raised, and I would appreciate a favorable roll call.

PRESIDENT:

The question is, shall Senate Bill 626 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 7, none...4 voting Present. Senate Bill 626 having received the required constitutional majority is declared passed. 633, Senator Degnan. Senator Degnan.

SENATOR DEGNAN:

Yes, thank you. I'd like to recommit Senate Bill 633 to Elections.

PRESIDENT:

You've heard the request. Is leave granted? Leave is granted. It's so ordered. 666, Senator Zito. On the Order of Senate Bill 3rd Reading, top of Page 8, Senate Bill 666, Senator Zito. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 666.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. The...the intent of Senate Bill 666 is to eliminate the practice of taking sick days when an employee is not sick by offering pension credit for unused sick days. The employee would get a credit for half the days he has not yet used. This legislation is very similar to legislation we passed out, I believe, yesterday or the day before that Senator Kelly had for teachers. I'd be happy to answer any questions; appreciate a favorable roll call.

PRESIDENT:

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Only to point out, Mr. President, that this bill is not approved by the Pension Laws Commission; and as we do so often in the case of pension bills, we do it wrong once and then we have to do it for every other system, and I...it appears that that's...we're into that syndrome again.

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Just briefly, Mr. President and members of the Senate. I...I arise to support Senator Zito's bill. It it is very similar, the only difference is, as he pointed out, is with teachers with the bill that I had as compared to this, and I will be glad to support it.

PRESIDENT:

Further discussion? Senator Bruce.

SENATOR BRUCE:

Thank you. Just to make sure that everyone understands, this bill is not opposed by the Pension Laws Commission, they have no opposition to it. The State Employee Retirement System is not opposed to it. It just pays for accrued sick

leave. Several states have already done this...over twenty-five. They find that it is a successful program. It's just reimbursement for accrued sick leave when these people...the sick leave presently is costing the State more than forty-six million dollars. We ought to, frankly, just consider this program; if it doesn't work, we can take it off the books. But right now, they get one-half, that's all we'd pay is one-half of their unused sick leave upon leaving State service. It's a...it's when they are terminated from State service. It's a one-time proposition, only upon leaving.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Sick leave and the time that's accrued as...when you're an employee of State Government and local government is really part of a system that's part of the cost of...of being...having an employee. And it's really generated as a matter...God forbid if a person is sick, he's entitled to so many days off. I don't believe that it should be our policy stating that the State of Illinois or...should be granting thirty...or half...or one-half of the amount of sick days that are acquired to an employee to be reimbursed. It's a negotiation that should be brought up between the Executive Office and the employees of this State. I don't believe it's an item that should be legislated. I don't believe it's an item that should be borne by the taxpayers of this State. There are many professions or jobs where people do not have as many sick days that are allowed to State employees, and it's primarily based upon the fact that normally there's security in State employee service; and, unfortunately, that type of security is not generated in the open market. I don't believe that this bill should pass because, first of all, we don't even know what the cost impact is but we do

know that ultimately the taxpayers are going to be...footing the cost of this bill. And if it's an item that should be generated, it should be discussed between the Executive and also the respective employee representation of this State to see exactly what they come up on this proposal. Thank you.

END OF REEL

REEL #11

PRESIDENT:

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

SENATOR ZITO:

Thank you, Mr. President. I would close in remarking to Senator Schuneman that there were three amendments put on there, and I don't know of any opposition. There was opposition before the amendments. In response to Senator Lechowicz, I think that it's not a secret that when people are entitled to days off, whether they be good-intentioned or not, they're going to take them. My answer to that problem, if you have ten days at the end of the year, you're going to take those ten days whether they're sick leave or vacation days. We're saying is that the people that stay on the pay-rolls, the people that continue to work, should be in some way, shape or form rewarded. I think in the long-run this is going to save the State of Illinois a great deal of money, and I would certainly urge a favorable roll call.

PRESIDENT:

The question is, shall Senate Bill 666 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 23, none voting Present. Senate Bill 666 having failed to receive the required constitutional majority is declared lost. 667, Senator Egan....693, Senator Egan...765, Senator Lechowicz. 997, Senator D'Arco. 1041, Senator Collins. Senator Collins. 1082, Senator Bruce. You want to...Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

Thank you, Mr. President. With leave of the Body, I'd like to recommit Senate Bill 765 to the Revenue Committee.

PRESIDENT:

You've heard the request. Is leave granted? Leave is granted. 765 is recommitted. 997, Senator D'Arco.

SENATOR D'ARCO:

Mr. President, I would like to recommit 997 to the Public Health Committee with the understanding that...and I talked to Senator Carroll and Senator Bloom, that it will be considered along with 495 in the joint committee hearing.

PRESIDENT:

I'm sure they are...they will do that. With leave of the Body, 997 will be recommitted to the Committee on Public Health. Leave is granted. Senator Bruce.

SENATOR BRUCE:

Yes, I'd like to recommit two bills; 1082 to the Committee on Higher Education, and 1125 back to the Committee on Revenue.

PRESIDENT:

You've heard the request. Is leave granted? Leave is granted. It's so ordered. Senator Collins.

SENATOR COLLINS:

Yes, I'm not sure which committee this bill came out of, 1041, but I would like to keep this bill in an active working committee.

PRESIDENT:

Alright. Senator Collins asks...

SENATOR COLLINS:

I think it's Local Government.

PRESIDENT:

...Senator Collins asks leave to recommit...recommit 1041 to the Committee on Elections. Leave is granted. It's so ordered. 1158. On the Order of Senate...Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Just a point of personal privilege. My key was turned off when Senate Bill...280 and Senate Bill 393 were called, and I would like the record to indicate that I would have voted for them had my key been registered properly.

PRESIDENT:

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

SENATOR DeANGELIS:

For the same purpose, Mr. President. I was not voted on 230, I would have voted Aye in deference to the good Senator Savickas.

PRESIDENT:

The record will so reflect. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Well, Mr. President, I have a like situation. I had gone to the telephone, someone voted me on Senate Bill 340. If I were here, I would have voted Yes, and I would like the...record to reflect it.

PRESIDENT:

The record will so reflect. On the Order of Senate Bills 3rd Reading is Senate Bill 1158. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1158.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. The Calendar is very accurate here, all that this bill will do is, seeks to postpone...farm mortgage foreclosures. It would extend the

six months...the time period in which a delinquent farmer has to cure a delinquent farm mortgage. Current law provides for a three-month period. It would allow a farmer whose property has been sold in a foreclosure suit to seek an extension in the redemption period from a circuit court; the circuit court could grant such an extension on a case by case basis as was deemed just inequitable by the court. It is not a carte blanche provision. If the delinquent farmer does not cure the default during the cure period, or redeems the property within the redemption period, any income that's derived from the property shall be transferred to the successful owner. A court may overturn an extension of the redemption period if conditions change and no longer warrant an extension. The Act applies to all farm mortgages; it is not retroactive; it is repealed in a...in a two-year period. I think it...all of us know that farmers are facing their toughest period since the great depression, and this is an...this is another remedy that they would have in a court to extend the cure period. It does not forgive any...it does not forgive any debt. I would seek a favorable...vote.

PRESIDENT:

Any discussion? Any discussion? The question is, shall Senate Bill 1158 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 15, none voting Present. Senate Bill 1158 having received the required constitutional majority is declared passed. If you'll turn to Page 12 on the Calendar, on the...Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. On what would be, I guess, called a point of personal privilege.

Agreed Bill List
Bill Reading
SB 1278
SB 1256
SB 1301
SB 1195
SB 1278
SB 1119
SB 1301
SB 205
SB 1203
SB 1127
SB 1307
SB 205
SB 1191

PRESIDENT:

State your point, sir.

SENATOR CARROLL:

Thank you. It has been the tradition in this Senate, when a member passes their first bill, that we send copies around to be signed. You had identified earlier today that you were having a lot of problems this week, and it seems as if Senate Bill 288 was the first bill you had passed, so we have for you, Mr. President, a signed copy of all members of Senate Bill 288 and we would like to present you with same, following our tradition.

PRESIDENT:

Thank you, very much. Thank you. Well, thank you, you...have made an otherwise miserable week very nice. I want to thank all the members for all that they did, we really did grind out a lot of stuff this week. Thank you, Senator Carroll. Alright, on the Order of the Agreed Bill List, you will recall that 199 was stricken, so if you'll just put a pencil mark through 199. On Page 12, on the Order of Senate Bills 3rd Reading, Mr. Secretary, read the bills, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 30.

(Secretary reads title of bill)

Senate Bill 197.

(Secretary reads title of bill)

205.

(Secretary reads title of bill)

Senate Bill 209.

(Secretary reads title of bill)

Senate Bill 210.

(Secretary reads title of bill)

Senate Bill 294.

(Secretary reads title of bill)

SB 1256
SB 1195
2nd Reading
SB 1207
SB 1191
SB 1202

Senate Bill 418.

(Secretary reads title of bill)

Senate Bill 432.

(Secretary reads title of bill)

Senate Bill 502.

(Secretary reads title of bill)

Senate Bill 1040.

(Secretary reads title of bill)

Senate Bill 1075.

(Secretary reads title of bill)

Senate Bill 1083.

(Secretary reads title of bill)

Senate Bill 1084.

(Secretary reads title of bill)

Senate Bill 1119.

(Secretary reads title of bill)

Senate Bill 1122.

(Secretary reads title of bill)

Senate Bill 1127.

(Secretary reads title of bill)

Senate Bill 1175.

(Secretary reads title of bill)

Senate Bill 1187.

(Secretary reads title of bill)

Senate Bill 1191.

(Secretary reads title of bill)

Senate Bill 1195.

(Secretary reads title of bill)

Senate Bill 1203.

(Secretary reads title of bill)

Senate Bill 1206.

(Secretary reads title of bill)

Senate Bill 1256.

(Secretary reads title of bill)

SB 1278
SB 1307
SB 1301

Senate Bill 1277.

(Secretary reads title of bill)

Senate Bill 1278.

(Secretary reads title of bill)

Senate Bill 1301.

(Secretary reads title of bill)

Senate Bill 1307.

(Secretary reads title of bill)

Senate Bill 1316.

(Secretary reads title of bill)

3rd reading of the bills.

PRESIDENT:

The question is, shall Senate Bills 30, 197, 205, 209, 210, 294, 418, 432, 502, 1040, 1075, 1083, 1084, 1119, 1122, 1127, 1175, 1187, 1191, 1195, 1203, 1206, 1256, 1277, 1278, 1301, 1307 and 1316 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. And such other votes as having been presented to the Secretary consistent with our procedure, the aforementioned bills having received the required constitutional majority is declared passed...are declared passed. Senator Collins seeks leave of the Body to be added as a cosponsor of Senate Bill 187. Is leave granted? Leave is granted. We have a number of pieces of paper to move. I think there is nothing remaining that is of a substantive nature. The adjournment resolution calls for us to return to Springfield on the 31st day, at the hour of noon. Next Tuesday at noon. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Yes, I'd like to have leave of the Body to recommit Senate Bill 1223 to the Insurance Committee.

PRESIDENT:

You've heard the request. 1223 back to the Committee on Insurance. Is leave granted? Leave is granted. It's so ordered. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Mr. President, I'd like to get leave of the Body to have Senate Resolution 193 heard this Wednesday in the Executive Committee.

PRESIDENT:

You've heard the request. Is leave granted? 193 in the Executive Committee next Wednesday. Leave is granted. Mr. Secretary, 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 concurrence of the Senate, to-wit:

House Joint Resolution 50.

(Secretary reads HJR 50)

PRESIDENT:

Senator Bruce. Adjournment resolution.

SENATOR BRUCE:

I would move for the suspension of the rules and the immediate consideration and adoption of the resolution.

PRESIDENT:

Alright. Senator Bruce has moved for the suspension of the rules for the immediate consideration of House Joint Resolution No. 50, the adjournment resolution. It calls for us to return to Springfield next Tuesday, at the hour of noon. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senator Bruce now moves the adoption of House Joint Resolution 50. All in favor indicate by saying Aye. All

opposed. The Ayes have it. The amendment is...I mean, the...House Joint Resolution No. 50 is adopted. Senator Bruce.

SENATOR BRUCE:

Yeah, I would just like the electronic wizard to indicate that had I not been watching to make sure everyone else got on the Agreed Bill List, that I, in fact, would have voted my own switch Aye on all those bills.

PRESIDENT:

The record will so reflect. Resolutions, Mr. Secretary.

SECRETARY:

Senate...Senate Resolution 205 offered by Senator Mahar, it's congratulatory.

Senate Resolution 206 offered by Senator Davidson and all Senators, and it's congratulatory.

And Senate Resolution 207 offered by Senator Jeremiah Joyce and Savickas, and it's a death resolution.

And Senate Joint Resolution 48 offered by Senator Chew and all members, and it's congratulatory.

PRESIDENT:

Alright. With leave of the Body, we'll add those to the current Consent Calendar. Is leave granted? Leave is granted. Consent Calendar.

SECRETARY:

Senate Resolution 208 offered by Senator Johns.

PRESIDENT:

Executive. Committee reports.

SECRETARY:

Senator Savickas, chairman of Assignment of Bills assigns the following House bills to committee: Agriculture, Conservation and Energy - 688, 744, 1020, 1293, 1355; Appropriations I - 924, 1117; Elementary and Secondary Education - 528, 974, 1114, 1143; Higher Education - 1879; Elections and Reapportionment - 719, 731, 751, 1161; Executive - 503, 506,

555, 556, 666, 691, 784, 853, 862, 872, 1039, 1052, 1101, 1111, 1149, 1370 and 1958; Finance and Credit Regulations - 395; Insurance, Pensions and Licensed Activities - 261, 584, 643, 675, 860, 922, 952, 1142, 1196, 1226, 1231, 1235, 1240, 1242, 1244, 1462, 1584, 1696, 1777, 1789, 1952, 1953 and 2029; Judiciary I - 115, 116, 123, 128, 129, 130, 132, 133, 134, 135, 136, 142, 144, 147, 148, 149, 150, 151, 153, 154, 155, 156, 157, 165, 428, 516, 811, 869, 926, 986, 1090, 1208, 1323, 1338, 1496; Judiciary II - 652, 654, 657, 674 and 689; Labor and Commerce - 696, 826; Local Government - 548, 757, 842, 868, 1124, 1391 and 2093; Public Health, Welfare and Corrections - ...512, 670, 996, 1057, 1248, 1285, 1287, 2058; Revenue - 662, 756, 833, 848, 1055, 1167, 1225 and 1261; Transportation - 769, 817 and 1213.

PRESIDENT:

Mr. Speaker, you're always welcome in the Senate. I think...it's too bad there's not more around to recognize the fact that you're here. Welcome to the Senate, Mr. Speaker. Mr. Secretary, any objections been filed to the Resolutions Consent Calendar?

SECRETARY:

No objections have been filed, Mr. President.

PRESIDENT:

Alright. Senator Bruce will move that the following resolutions on...as listed on the Consent Calendar and those that were placed on with leave; Senate Resolution 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 196 and 197; Senate Resolution 198, 199, 200, 201, 202, 203; Senate Joint Resolution 46; Senate Joint Resolution 47; House Joint Resolution 43; House Joint Resolution 44; House Joint Resolution 45; Senate Resolution 205, 206, 207 and Senate Joint Resolution 48, no objections having been filed, Senator Bruce moves their adoption. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolutions are adopted.

Alright. Any further business to come before the Senate? If not, Senator Bruce moves that the Senate, pursuant to the adjournment resolution, stand adjourned until Tuesday, May 31, at the hour of noon. The Senate stands adjourned.