

83RD GENERAL ASSEMBLY

REGULAR SESSION

JUNE 28, 1984

PRESIDENT:

The hour of ten having arrived, the Senate will please come to order. Will the members be in their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend Hugh Cassidy, Blessed Sacrament Church, Springfield, Illinois. Father.

FATHER CASSIDY:

(Prayer given by Father Cassidy)

PRESIDENT:

Thank you, Father. Reading of the Journal. Senator Johns.

SENATOR JOHNS:

Mr. President, I move that reading and approval of the Journals of Tuesday, June the 19th; Wednesday, June the 20th; Thursday, June the 21st; Friday, June the 22nd; Monday, June the 25th; Tuesday, June the 26th; Wednesday, June the 27th, in the year 1984, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

SECRETARY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill with the following title:

Senate Bill 1513 together with House Amendment No.

1.

And I have a like Message on the following Senate Bills with House amendments:

1534 with House...Senate...with House Amendments 2, 3 and 4.

Senate Bill 1541 with House Amendments 1 and 3.

1546 with House Amendments 2, 3, 4, 5, 6, 7, 9, 10,  
11, 13 and 14.

1547 with House Amendment 1.

1548 with House Amendments 1 and 2.

1549 with House Amendments 2, 3, 5, 7, 9, 10, 12,  
13, 14 and 15.

1550 with House Amendments 1, 2, 3, 4 and 7.

1551 with House Amendment 1.

1552 with House Amendments 1, 2, 4, 6, 7, 8 and 9.

1553 with House Amendment 1.

1554 with House Amendments 1, 3, 4, 6, 9, 10, 11,  
12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,  
27, 28, 29, 30, 31, 32, 33...no...32, 34, 35, 36 and 37.

Senate Bill 1555 with House Amendments 1, 2, 3, 5,  
6, 7 and 8.

1556 with House Amendments 1 and 2.

1557 with House Amendments 3, 4 and 5.

1558 with House Amendments 1, 2, 3, 5, 6, 7, 8, 9  
and 10.

1559 with House Amendments 1 and 3.

1564 with House Amendment 1.

1565 with House Amendments 1, 2, 4, 5, 6 and 7.

1566 with House Amendments 1, 2, 3 and 4.

1568 with House Amendment 2.

...or 1571 with House Amendments 1 and 2.

1573 with House Amendments 1, 2 and 3.

1574 with House Amendments 1, 3, 4, 5, 6, 7, 8, 9,  
11, 12, 15, 16, 17, 18, 21, 22 and 24.

1575 with House Amendments 1 and 2.

1576 with House Amendment 1.

1577 with House Amendments 1 and 2.

1583 with House Amendments 1, 3, 7 and 8.

1586 with House Amendments 1 and 2.

1595 with House Amendments 2 and 4.

1597 with House Amendments 1 and 4.

1599 with House Amendment 2.

1600 with House Amendment 1.

And 1649 with House Amendments 1 and 2.

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

Mr. President - I am directed to inform the Senate the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill with the following title:

House Bill 2857 with Senate Amendment 1.

A like Message on House Bill 2952 with Senate Amendment 1.

A 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 resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 173 and it is congratulatory.

PRESIDENT:

Consent Calendar. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

...thank you, Mr. President. I would like to move for suspension of the rules to immediately consider Senate Resolution 173. It is a congratulatory resolution to the Village of Park Forest for its thirty-fifth anniversary.

PRESIDENT:

All right. That request is in order. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 724, offered by Senator DeAngelis and it is congratulatory.

PRESIDENT:

All right. Senator DeAngelis has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 724. Those in favor of the motion to suspend indicate by saying Aye. Those opposed. The Ayes have it, the rules are suspended. Senator DeAngelis now moves the...the adoption of Senate Resolution 724. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Message from the Governor.

SECRETARY:

A Message from the Governor by Kirk Dillard, Director of Legislative Affairs.

Mr. President - the Governor directs me to lay before the Senate the following Message.

To the Honorable members of the Senate, the 83rd General Assembly, I have nominated and...appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your Honorable Body.

PRESIDENT:

Senator Vadalabene. Senator Vadalabene.

SENATOR VADALABENE:

I didn't think we had to waive the Six-day Posting requirement on...on...so what I want to do is have these heard tomorrow in...

PRESIDENT:

All right. Senator Vadalabene has asked leave of the Body to hear this Executive Appointment tomorrow in the Committee on Executive Appointments. Is leave granted? Leave is granted. Resolutions.

SECRETARY:

Senate Resolution 725 offered by Senator Lemke. It's congratulatory.

Senate Resolution 726 offered by Senator Watson and it's

a death resolution.

PRESIDENT:

Consent Calendar. If I can have the attention of the membership, the...photographer from the Department of Energy and Natural Resources would...is asking permission to take photos from the gallery, as is UPI and AP and WCAI-TV were requesting permission to videotape. Is leave granted? Leave is granted. There are a number of meetings going on, obviously, with respect to Conference Committees so we are just going to proceed ahead. We will start on the Order of Secretary's Desk Concurrence and attempt to get through the Calendar, and then to the Order of Nonconcurrence and then I've asked the Secretary to make up a supplemental Calendar and accommodate the House Messages. So we will proceed directly. On the Order of Secretary's Desk Concurrence, page 8 on the Calendar, Senate Bill 400 with House Amendment No. 2, Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Very briefly, Mr. President and members of the Senate, this House amendment is totally acceptable. It changes the word, "and" to "or." It's a technical amendment, it's simply that and nothing more. And I move that Senate concur in House Amendment No. 2 to Senate Bill 400. And ask that the Senate adopt that motion.

PRESIDENT:

All right. Senator Egan has moved that the Senate concur in House Amendment No. 2 to Senate Bill 400. Any discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 400. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, no Nays, none voting Present.

SB 450  
concurrency

The Senate does concur in House Amendment No. 2 to Senate Bill 400 and the bill having received the required constitutional majority is declared passed. Yes, sir, Senator Becker, for what purpose do you arise?

SENATOR BECKER:

Thank you, Mr. President, members of the Senate. We are honored to have in our presence this morning the Honorable Director of Transportation, the Director of the RTA, and the possible director of the World's Fair, the Honorable John Kramer. Would you please, Mr. President, make the announcement and ask him.

PRESIDENT:

Don't run away, John. Welcome to Springfield, you'll love it here. Senator Becker wants to talk to you about Roosevelt Road, John. Senator Becker, you're always welcome. On the Order of Secretary's Desk Concurrence is Senate Bill 450 with House Amendment No. 1. We're on page 8 on the Calendar on the Order of Secretary's Desk Concurrence. Senator Bruce, Senate Bill 450.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is a bill that has caused some great degree of controversy in this Body over a period of more than two years, and so I would want you to know that this is the bill that deals with the use of topical solutions by optometrists. We have had a good deal of discussion on topical ocular pharmaceutical agents in this Body, and I'm happy to report to you after more than a...a year of work with both the State Medical Society, the ophthalmologist of the State of Illinois, the optometrists of the State of Illinois, that we have finally worked out a bill in which they are all in complete agreement. And to that end, Mr. President, I would describe the fact that the doctors and optometrists have agreed to create a seven-member technical review board; three optometrists,

three licensed physicians licensed to practice medicine in all of its branches, and a seventh member who is a pharmacologist. No one would be able to...no registered pharmacist or optometrist would apply to the board...until...he would not use topical...ocular pharmaceutical agents until he had received training and certification from a properly accredited institution of higher learning and demonstrated training and competence to use the topical ocular pharmaceutical agents as required by this technical review board and subject to rule or regulation approved by the board and adopted by the Department of Registration and Education. Nothing in the Act shall prohibit the use of these agents for examination purposes but nothing in this Act shall allow their use for...therapeutic purposes in the practice of optometry. We list the agents that are allowable and state in addition to those allowable agents...other agents may be allowed by the...the review board, and finally, that none of this could be utilized on a person of less than two years of age. The State Medical Society supports it, the Illinois Association of Optometrists supports it, I believe the department is on board. The compromise is equitable and I would ask for your favorable support in concurrence in this amendment.

PRESIDENT:

All right. Senator Bruce has moved to concur with House Amendment No. 1 to Senate Bill 450. Discussion? Senator Marovitz.

SENATOR MARCVITZ:

Well, I just want to clarify, Senator Bruce, just to make sure. You're a genius if...if you were able to work out all the problems between the optometrists, the ophthalmologists and...and all of those professionals in the eye profession. Is that, in fact, the case...again, just to reiterate? There...there is agreement among everybody on this amendment?

S.B. 495  
corrected

PRESIDENT:

Senator Bruce.

SENATOR MAROVITZ:

You are a genius.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

That is correct...and I accept the mantle of genius, it...it weighs heavily upon my shoulders, but, yes, we have an agreement of all the groups involved. The...the main sticking point was this technical review board; we gave three docs, three optometrists, one pharmacologist, they select the chairman and it seems to resolve all the problems. There are no grandfather clauses, everyone has to take the training and before they can do anything they have to accept the training and apply with the rules and regs., so everyone is in agreement with this particular amendment.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall the Senate concur House Amendment No. 1 to Senate Bill 450. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 450, and the bill having received the required constitutional majority is declared passed. 495, Senator Bloom. On the Order of Secretary's Desk, Concurrence is Senate Bill 495 with House Amendment No. 3. Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. House Amendment No. 3 is the bill. First, I would like to thank Senator Smith and Senator Donahue and Senator Dawson and



Senator Carroll for their patience, and Senator Schaffer, who it turned out to be along for the ride. But I'd like to thank them for their patience. We...we have achieved a kind of consensus. I'd especially like to thank Senator Dawson for his work in the early stages and then when he was hospitalized and learned firsthand about hospital charges. I'd like to thank Senator Carroll, and then Senator Carroll went in the hospital and learned firsthand about hospital charges but enough of that. The bill: Essentially what this...essentially what the bill does is, it declares; one, that the increase in the cost of hospital care is tied to the general rate of inflation. Article II sets up the Illinois Health Care Cost Containment Council which is charged with looking into various aspects of health care and making various recommendations and also doing a data monitoring function. Article III is Medicaid contracting, and basically what we're doing in 495 is we're walking, if you will, before we run. Medicaid contracting, we have made the draw that perhaps competition will bring down hospital charges. And what it's saying is to the hospitals, you must contract, you must use real pricing as opposed to the charge shifting that has gone on in the past. The Article IV goes into detail on the data that is required to be disclosed. Our concern is not so much with doctors as it is with hospitals, because the hearings the select committee held last fall and winter disclosed that there are many unnecessary tests and things from hospitals and our focus is on hospitals not doctors in Article IV. Article V...Article IV does set out the data, as I've said, that has to be disclosed. Article V says it's the public policy of the State of Illinois that in these contracts you must have utilization review so you can go over your charges, find out what's necessary, what is not necessary. Article VI...Article VI says that the meetings of the contracting board are not subject to the Open Meetings Act so

that there can be real competition in bidding, and the bill also says that the council will come back and make recommendations on...by March of next year on how we extend contracting beyond Medicaid to the rest of the health care delivery system. That...basically is mechanically how 495 works. The Hospital Association doesn't like it but they signed on, the Medical Society likes it, the provider groups have all signed off on that, the consumer groups...yeah, Senator DeAngelis says...a miracle. Well, they signed off on it early, too, which is unusual for this process. And, as I said, I'd like to thank my cosponsors, I'd like to thank the second floor and I'd like to thank the provider groups for behaving reasonably. I'll answer any questions. I'm sure that Senator Dawson and Senator Carroll have some remarks they'd like to add. I have basically outlined what the amendment does. Thank you.

PRESIDENT:

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he'll yield. All right. Will the members please be in their seats. We take the Governor's caucus off the floor.

SENATOR GEO-KARIS:

And...

PRESIDENT:

We take the Governor's caucus off the floor.

SENATOR GEO-KARIS:

In...in reviewing...

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

...Senator, in reviewing the synopsis of legislation and

the concurrence document that we have here, I note that House Amendment No. 3 deletes everything after the enacting clause. I believe you said so, but could you just give me a capsule statement in one sentence. Let me ask you a...a question. Is the bill intact except for this amendment that was put on in the House and this amendment does in essence, in one sentence, what, because that...wasn't quite clear?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Mr. President, help me. In one sentence, Senator Geo-Karis, House Amendment 3 is the bill and what it says is, we believe that we can hold down the increase in charges through competition and contracting and disclosure of information.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEC-KARIS:

...and no caps, is that correct?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

All...for the purposes of our discussion, no caps as we understood them.

PRESIDENT:

Further discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, Senator Bloom basically said what we all feel is that we'd like to thank all the participants in this, especially you and Senator Philip for...supplying us with the staff people when we held these hearings throughout the State, 'cause everybody put in a lot of extra time. And all I'd like to do is thank each and every one of them and ask everybody for a favorable roll call on this. It passed out of the House a 118 to noth-

ing. I'd like to see it pass out of here 59 to nothing.  
Thank you.

PRESIDENT:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Yes, thank you, Mr. President. Hopefully to save some time, there have been some minor questions asked around here, maybe we...if we can say it over the speaker, may stop some other questions from surfacing. This is basically the way the Senate passed 495 with some modifications to it to even make for more public awareness of charges, no caps, giving the Auditor General the power to go in and check on charges giving utilization review to be able to check on charges, letting the public be able to go in and know the twenty-five most common costs that would be incurred when going into a hospital. There was a minor issue on the nursing component and that's part of the daily room rate unless it's a special nursing add-on, so that as to that issue there would only have to be the posting on any add-on. The regular component of regular room rates is in there. This is a first-step effort at competition with notice to the public, with an awareness, with the ability to check one against the other so that we can, in fact, bring down the cost of health care. This council that was created will be able to report to us, the General Assembly, if hospital costs exceed other indicators of inflation. They cannot stop them from doing it, they cannot penalize them for doing it; but they can, in fact, have a common source of data to give to us and let us make informed decisions. It gives the Department of Public Aid the power to go out there and negotiate contracts, taking into account the varying differences of types of hospitals throughout this State. I think it is an excellent first-step effort in a competitive mode and an informative mode to the public and to the General Assembly and would urge its adop-

tion.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. It's just a question because it's been a little bit hard to hear some of the explanation. As I...or, Senator Bloom, as I understand it, there will be what amounts to full disclosure of the kinds of information that is obviously and absolutely a critical first step toward eventually having some control over the cost of medical care. Is...is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

That's a very good question, Senator Netsch. Thank you for asking it. We're telling the hospitals that they have to disclose their gross revenue, their Medicare contractual allowances, their Medicaid contractual allowances, other contractual allowances, bad debts and charity..., gross inpatient revenue, Medicare/Medicaid gross revenue, discharges, Medicare discharges, Medicaid discharges, other discharges, their assets, their liabilities, their admissions, their patient days, their length of stay, their outpatient visits, their liquidity ratios, their debt structure, their capital structure. Further, they must go to uniform billing; further, they have to disclose third-party coverage, they have to disclose the type of admission, the discharge date, their diagnoses, the procedures they use. They have to go to what's known as UB '82, the uniform billing. Patient...by the way, patient confidentiality is maintained. They...we had a big war over whether it ought to be a representative sample or a hundred percent of the hospitals. We said one hundred percent of the hospitals to start with so we have a complete data base. I've mentioned confidentiality. Further,

and this was a big point and I think it's very important to the consumers of health care in this State, hospitals shall make available to prospective patients information on normal charge incurred for any procedure or operation the prospective patient is considering. They got to say what they're going to charge ahead of time, and might I add for the benefit of the members of the media that they...in those states that have this kind of language in their Statutes that the media plays a very important role in disclosing what it's going to cost to the consuming public. Further, the hospital council may require hospitals to post for notification in a public area their established charges for services where applicable including but not limited to their delivery room service, okay; operating room service, emergency room service, anesthesiology services, nursing services, that Senator Carroll mentioned; and as enumerated by the council, the twenty-five most common laboratory services, what it costs for those services, radiology services and what they're charging for pharmacy prescriptions. And in that context I would like to compliment the investor owned hospitals which said that's absolutely appropriate. The investor owned hospitals all along said, we will dance naked for the public.

PRESIDING OFFICER: (SENATOR BRUCE)

Is that thorough enough, Senator Netsch? Senator Netsch?

SENATOR NETSCH:

I agree, Senator Bloom, I'm glad I asked the question...partly because it did give you an opportunity to put onto the record the detail which I really...had...did not know since we had not seen a copy of it beforehand. Just a very simple comment. I might have been willing to go farther in...at an earlier stage as others would also, but I have always believed that the absolutely critical first stage is the total accessibility to information both on the part of the State and on the part of the consumers ultimately. As I

recall, that's the way we started with respect to nursing homes eight or ten years or so years ago, and I think it's just as essential here, so I do compliment you for the...the exhaustiveness of those things that are included in that disclosure and I think that, in turn will...will be the most important part.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I merely want to stand to...first to testify that I was very proud to be a part of this team as we went across the State this year to hold hearings and to realize that everyone in different areas have all...just about the same problems but in different ways. I represent a district that three of...ninety-eight percent of their people in some of the hospitals are Medicaid people...patients. And I'm very proud to say that we have made a step in the right direction in helping these hospitals who have most of their patients as Medicaid people, that with the Department of Public Aid there will be contracts and they will not have to be feeling their way as they have in the past. I want to also say that I hope and pray that those of us who are sitting here this morning will give your support by giving your total vote to make this a passage in this Session. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. It seems that this is probably in line with the rules and regulations that the Federal Trade Commission comes up with. It seems like it's right out of their textbook, and I just wonder whether you consulted with the Federal Trade Commission as it pertains to other industries in the United States?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Senator Sommer says that it comes from regulating funeral directors. No, as a matter of fact, this is borrowed from Iowa. The concept is from the Iowa Statutes with a little information picked up from California and Minnesota. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Bloom before you finish, Channel 25, Peoria is requesting permission to videotape. Is there leave? Leave is granted. All right. Senator Bloom, had you concluded? Senator Bloom.

SENATOR BLOOM:

Mary Ann, your timing is terrible. I'd appreciate a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur with House Amendment No. 3 to Senate Bill 495. 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 are 1, none voting Present. The Senate does concur with House Amendment No. 3 to Senate Bill 495 and the bill having received the required constitutional majority is declared passed. Senate Bill 541, Senator Schuneman is recognized for a motion.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 541 is the bill which codifies the provisions of the Constitutional Amendment that we adopted...the amendment proposed by Senator Rock. The bill passed the Senate. The House Amendment No. 1 is simply a technical amendment in that they deleted one comma. So I would move that the Senate do concur with House Amendment No. 1 to Senate Bill 541.



PRESIDING OFFICER: (SENATOR BRUCE)

...motion is to concur with House Amendment 1. Is there discussion of the motion? Discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 541. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...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. The Senate does concur with House Amendment No. 1 to Senate Bill 541 and the bill having received the required constitutional majority is declared passed. House Bill 671, Senator D'Arco is recognized for a motion.

SENATOR D'ARCO:

Thank you, Mr. President. I move to concur...let me see, which amendment am I concurring on here. Page 9. I move to concur with House Amendments 1, 2, 3 and 4. What we did last year, of course, was to pass Senate Bill 433 which was the comprehensive condominium bill that recodified the Condominium Code in some respects. And what this concurrence motion does is to cleanup some of the problems we had with Senate Bill 433. It was suggested by the Chicago Title and Trust Company and the Subcommittee on Condominium Associations of the Chicago Bar Association. It also...that is Amendment No. 1 eliminated the entire bill. Amendment No. 2 is what I just suggested to you. Amendment No. 3 is technical. Amendment No. 4 is identical to House Bill 2486, and it is similar to my bill on community associations which is an antiquated legal concept, there aren't that many community associations left, but it does give them powers similar to condominium associations and that is in Amendment No. 4. This is a good...concurrence motion and I ask that we move to concur with Amendments 1, 2, 3 and 4.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to concur with House Amendments 1, 2 and

3...1, 2, 3 and 4. Discussion of the motion? Discussion? The question is, shall the Senate concur with House Amendments 1, 2, 3 and 4 to Senate Bill 671. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? (Machine cut-off)...the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur with House Amendments 1, 2, 3 and 4 to Senate Bill 671 and the bill having received the required constitutional majority is declared passed. For what purpose does Senator DeAngelis arise?

SENATOR DeANGELIS:

Mr. President, just a point of inquiry. When we get to this kind of order of business I get a little confused, but as in our last previous bill, if an amendment strikes out everything in the previous three amendments, what would occur if we only adopted the fourth amendment and didn't accept the other three? It would force it in a Conference Committee or what?

PRESIDING OFFICER: (SENATOR BRUCE)

Thank you. My legal counsel tells me that the Chair does not answer hypothetical questions. You'll have to take that up with my Parliamentarian shortly after we adjourn today. I...Senator DeAngelis, I...I will ponder that point...and try to figure out what...what we would do in that case. But...well, Senator Rock, the nature abhors a volunteer. Senator Rock.

SENATOR ROCK:

Equity does not aid a volunteer ever, but I will volunteer the information that in the event that we do not concur in each and every House amendment, it then if we do not...what we do not concur in goes back to the House for their action and they can either recede from that amendment, at which case it would go...final passage or they can refuse

to recede and ask that it go in a conference, yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Even if the fourth amendment made the previous three amendments inoperative.

PRESIDING OFFICER: (SENATOR BRUCE)

We have to...we have to dispose of the House amendments in some fashion. Senator Rock.

SENATOR ROCK:

One of the things you will find is that the House is not as tidy as are we, so they will put on a whole slew of amendments when we...that's why we go through the trouble of Tabling amendments or incorporating, you know, they don't do that over there. They just throw everything at it and whatever sticks, you know, sticks.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. While we have a slight lull, will...will you indulge the Chair for a moment to introduce a friend of mine who has...has come back here...a former State Senator who is a constituent of mine, Clyde Lee, is on the Podium today. He is...he served in the House from 1938 to 1940, in the Illinois State Senate from 1940 to 1944. Went to the World War II as a Marine and came back, served in the House in 1946 to 1965. And we're certainly happy that he has moved back into by district. He represented the district prior to my election to the State Senate. Clyde Lee is here with us today, would you stand. Senator Degnan on Senate Bill 835. Senator Degnan is recognized for a motion.

SENATOR DEGNAN:

Thank you, Mr. President. I would move to concur with House Amendment No. 3 which in effect becomes the bill and has to do with assessment practices on U. S. Government property. Currently, U. S. Government property is both State and

Federally tax exempt except when purchased or in the process of being purchased by a non-Federal source. While the U. S. Government will permit such property being purchased on an installment contract to be taxed, the State exempts such property from taxation. This provision lifts that exemption and solves a problem...a particular problem that we have in Cook County.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall the Senate concur with House Amendment No. 3 to Senate Bill 835. 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, 2 voting Present. House...the Senate does concur with House Amendment No. 3 to Senate Bill 835 and the bill having received the required constitutional majority is declared passed. Senate Bill 1217, Senator Buzbee. Senator Buzbee on the Floor? Senate Bill 1223, Senator Maitland. Senator Maitland is recognized for a motion on House Amendment No. 2 to Senate Bill 1223.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I move that the Senate concur in House Amendment No. 2 to Senate Bill 1223. This amendment deletes the provision within the bill that would suggest that for any increase in benefits we had...we would have a corresponding increase in contribution. I...I believe that the amendment deletes some of the effect of the bill, but in order to get it out of the House and get the first provision passed which sets up the contribution schedule for the five...systems that we're responsible for, I believe that the Senate should concur in this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill

1223. 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. The Senate does concur with House...the Senate does concur with House Amendment No. 2 to Senate Bill 1223 and the bill having received the required constitutional majority is declared passed. House Bill...Senator...Senator Buzbee.

SENATOR BUZBEE:

I...I'm sorry, I was called off the Floor on 1217 right...fine.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to return to 1217 immediately preceding this bill? Leave is granted. Senator Buzbee is recognized for a motion on House Amendments 1, 3, 4, 6, 7 and 8. Senator Buzbee.

SENATOR BUZBEE:

Yes, Mr. President. I would move to nonconcur in those amendments and ask...the House to...to recede from their amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to nonconcur with House Amendments 1, 3, 4, 6, 7 and 8. On the motion to nonconcur, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The Senate nonconcur and the Secretary shall so inform the House. Senate Bill 1384. Senator Sangmeister is recognized for a motion on House Amendment No. 3 to Senate Bill 1384. Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. The motion will be to concur in House Amendment No. 3 to Senate Bill 1384. When we sent this legislation over to the House it was merely setting up some criteria for the Property Tax Appeal Board. Again, as...you recall, we separated them from

the Department of Revenue. When it got over to the House they decided to use this piece of legislation as a vehicle to attempt to correct the problems that arose by the decision of the Illinois Supreme Court, better known as the Mackenzie Decision, which concerns parsonages for...tax status exemption. They originally put an amendment on this bill which got quite controversial, and I guess it floated around in several other areas to attempt to put that decision with our local boards of review. That has been met with rejection and now we've come up with a...an amendment that I think is satisfactory to everybody. Everybody that I've talked to on this now is on track and I don't know of anybody, unless somebody can tell me of somebody, that really is in opposition to what we are doing. What we are doing, Senator Darrow, is we are defining in the legislation, as long as you've asked, that a parsonage, covenant or monastery shall be considered for purposes of this section to be exclusively used for religious purposes when the church, religious institution or denomination requires that the above listed persons who perform religious related activities shall as a condition of their employment or association reside in such parsonage, convent or monastery. This language is not being purposed as the...the perfect language to cure the problem. One can always say there's probably a question of the constitutionality of it, but a lot of people put a lot of time in trying to draft language that everybody could live with and I think it is the best that we can come up with. And for that reason,...it also of course includes in that legislation that all property of old people's homes and facilities for the developmentally disabled are to be covered provided in that they can...be qualified as an exempt organization pursuant to paragraph 3 of Section 501-C of the Internal Revenue Code. And I will be happy to answer any questions, but prior to those questions, I would like to read into the record that

the legislative intent is clear that the new language concerning old people's homes and developmentally disabled facilities is intended only to be a qualification for the organization or facility and does not in any way restrict the requirement or proof that the facility is used for charitable and beneficent purposes. As stated in Section 19.7 of Chapter 120, Paragraph 500.7, the property is exempt from taxation when such property is actually and exclusively used for such charitable or beneficent purposes and not leased or otherwise used with a view to profit. This amendment in no way is intended to negate or circumvent this requirement. If there are any questions, I'll attempt to answer them; if not, I would move that we concur in House Amendment No. 3 to Senate Bill 1384.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion of the motion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. It is my intention to vote Yes on the proposed amendment although I have a little bit of nervousness about the particular language. I would just reiterate what I think Senator Sangmeister has already indicated. The initial amendment that was being proposed would have totally removed the Department of Revenue from any supervision over the granting of property tax exemptions and allowed it to local discretion without really any oversight except possibly through court decisions at some point. That was a very, very bad idea. This is an attempt to...to substitute for that by further defining as the General Assembly has the authority to do under the Constitution what we believe constitutes an exemptible parsonage and in addition old folks' home and we've added developmentally disabled. The...the only thing that concerns me at all is whether, in fact, the language dealing with the parsonage does really track the...the constitutional exemption and the Supreme

Court language. And I...I would just point out that the court's most recent decision, which in part gave rise to this, which was Mackenzie versus Johnson decided in October 1983, said that a...under the McMurray Standard, which is the...the last ruling on it, "A parsonage qualifies for an exemption if it reasonably and substantially facilitates the aims of religious worship or...of religious worship or religious instruction, because the pastor's religious duties require him to live in close proximity to the church or because the parsonage has unique facilities for religious worship and instruction or is primarily used for such purposes." Now that is the current Supreme Court interpretation of the constitutional standard, and it seems to me that what is done in the amendment to Senate Bill 1384 is a good faith attempt to spell out precisely what that means from the Legislature's point of view. Obviously, the court will have the final decision, but I think it is at least a good faith attempt to do that and on that basis I would support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Sangmeister may close. All right. The question is,...Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, I thought Senator Etheredge wanted to ask a question. I think we've thoroughly explored it. I appreciate the comments from Senator Netsch which further clarifies the issue and would ask for a favored vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate concur with House Amendment No. 3 to Senate Bill 1384. 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. The Senate does concur with House Amendment



No. 3 to Senate Bill 1384 and the bill having received the required constitutional majority is declared passed. Duval Productions is asking leave to videotape the proceedings for a couple of members. Is there leave? Leave is granted. Senate Bill 1385. Senator Luft, will you be handling the motion? Senator Luft is recognized for a motion on Senate Bill 1385.

END OF REEL

REEL #2

SENATOR LUPT:

Thank you, Mr. President. I would move that the Senate do concur in House Amendment No. 2 to Senate Bill 1385. House Amendment No. 2 amends the Income Tax Act to exempt from the Illinois Income Tax as a...distribution of retirement plans established by partners of a partnership. I feel it's obvious that the Legislature has never intended to tax retirement benefits and, in fact, the Illinois Income Tax allows a deduction modification for most of the types of income from these plans; however, retired partners of a partnership who establish their plans prior to the advent of HR 10 self-employed or Keough Plans are allowed no subtractions or modifications and must pay Illinois as well as Federal Income Taxes on the distribution therein. This amendment puts Senate Bill 1385 in the same posture as its counterpart that passed out of here, House Bill 2345, and it in fact eliminates the taxing of retirement benefits, and I would move to concur in House Amendment No. 2 to Senate Bill 1385.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Johns. Thank you. Discussion? Discussion? The question is, shall the...Senate concur with House Amendment No. 2 to Senate Bill 1385. 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. The Senate does concur with House Amendment No. 2 to Senate Bill 1385 and the bill having received the required constitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, Secretary's Desk, top of page 10, Senate Bill 1395, Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill has come back from the House in a slightly modified version but I think is particularly well-defined. This is the matter for community college districts in which they have received an adverse court decision which influences their funding. As you know, for the Common School Funds and common school districts, we allow them to go back and recompute their State aid. I was involved with...in the district in which I am involved has a potential lawsuit which will allow them or require them to lose a good deal of the equalized assessed evaluation but they would have no way to go back and claim over their equalization grant money. This amendment adds that a...that any reduction because of an adverse court decision must be an EVA reduction of more than one percent; secondly, that it is attributable to an adverse court decision which became final three years from August 1st of the fiscal year in which fiscal...the equalization grants are distributed. We had a six-year period as it went out of the Senate and that before the calculation is made on equalization grants, that this particular equalization funding proposal would be appropriated for directly and would be a...an appropriation for adverse court decision equalization grants. I think that those make reasonable good sense, and I would move that we concur with House Amendment No. 1 to Senate Bill 1395.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion on the motion? Any discussion? The question is, shall the...shall the Senate concur in House Amendment 1 to Senate Bill 1395. 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 56, the Nays are none, none voting Present. The Senate does concur in House Amendment 1 to Senate Bill 1395 and the bill having received the required constitutional majority is declared passed. House Bill...whoops, Senate Bill 1399, Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this bill came back from the House...this was a land conveyance for the McHenry County Conservation District. The House added an amendment on, I believe one of the Representatives from the Peoria area, which authorizes the Department of Conservation to convey certain property to the Village of Bartonville to be used for park and recreational purposes. The piece of property is a building known as the Alpha Park Library. The amendment allows Bartonville to lease the building for commercial purposes provided that all income is to be used by the park in recreational...for park and recreational...uses. I know of no controversy on the bill...on the amendment and move to concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Rock.

SENATOR ROCK:

Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rock.

SENATOR ROCK:

My understanding is that we had...this Assembly had authorized the sale of this property to the village for the purposes stated, park and recreation. Now, I understand they don't want to use it for park and recreation, they want to lease it for commercial use and use the proceeds for park and recreation. I guess my question is, why does it not revert back to the State and let the State get the proceeds?

PRESIDING OFFICER: (SENATOR DEMUZIO)

SB 1420  
Concurrence

Senator Schaffer.

SENATOR SCHAFFER:

Well, to be terribly honest with you, Senator Rock, I don't have an answer to that question. I have a Senator from either side of me from the area, neither one of them is here. With your permission, I'll take it from the record and see if I can get an answer for you, and with leave, I'd to bring it back after we've cleared that question up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Schaffer has requested leave to take it out of the record and get back to it later. Is leave granted? Leave is granted. Take it out of the record. 1420, Senator Rock. Senate Bill 1420. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1420 with House Amendment No. 1...and I will move to concur in House Amendment No. 1. This is the Illinois Tax Amnesty Act program. House Amendment No. 1 makes a number of administrative and technical changes and two or three substantive changes, all of which I agreed with. It provides at the request of the Department of Revenue for a sixty-day, rather than a ninety-day amnesty period. They feel that if they have enough time...and we have just amended a bill, their appropriation bill, to give them...afford them some additional revenue to properly promote and implement this program. They feel that sixty days should be...sufficient, so that instead of running three months commencing September 1, it will run two months commencing October 1. Additionally, at the request of both the departments and the Attorney General, we are specifically excluding from...any amnesty program those individuals and businesses who are under criminal investigation, we're just taking them out of the program. Furthermore, it imposes a repealer that...the entire Act will be repealed effective December 1,

1984, to make it ineluctably clear that this is a one-time program. This is it. Take it or leave it. Now, obviously we can't bind a future General Assembly, but it is obviously the intent that if the amnesty is to work, it's a one-time program and will not be offered on a continuing basis...other technical changes were made again with respect to the penalties, again, at the request of the Department of Revenue with which again I agreed. I would move that the Senate concur with House Amendment No. 1 to Senate Bill 1420.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Rock, I thought that in the Senate version those were under criminal investigation were exempt to begin with.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, we had discussed that, but as the bill left here, again at the request of the department, as it left here we had covered civil and criminal litigation. The Attorney General and the Department of Revenue felt that they wanted to go a little further than that and cover also those that they are criminally investigating. Now we don't have any way really of knowing that, but obviously they do, so that when somebody walks in and says, I want to settle up, it's their judgment; if they're under criminal investigation, they're excluded.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'm going to go ahead and vote with you, but if you'll recall, one of the things that we were concerned about is those people who would turn themselves in and then in the process essentially immunize themselves because they've turned themselves in under this provision. What happens to a person that's under criminal investigation and walks in and says, yes, I have cheated and I want to pay?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, if...if you're asking me for my legal advice, I would not walk anybody in and say, yes, I have cheated, I want to pay. That's not the way to approach this program at all. But I would assume that when I walk in as the AEC Corporation, and I apply for...and, you know, the rules and the regulations and the implementation is specifically left to the department, but when I go in and say, I want to settle up; they are going to have to say, sorry about that, you are not in this program...you are not eligible to participate, and I say, why not? And they say, you're under criminal investigation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I don't want to prolong the debate and...but what is criminal investigation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR DeANGELIS:

What is criminal investigation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

According to the Department of Revenue, they say that one

is under criminal investigation when they have referred the file to the Office of the Attorney General who is the enforcement officer. Okay?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

I think it's important to recognize the fact that Massachusetts which had a smaller outlay of...of monies owed to the State, initially collected forty million dollars with this particular plant and now, the money is still coming in, I understand they're up to sixty-seven million; and we expect anywhere from three to five times as much, and I think we need to remember also that it's going into the Common School Fund, so I think an excellent piece of legislation out of this General Assembly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grotberg.

SENATOR GROTBERG:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Grotberg.

SENATOR GROTBERG:

Senator Rock, continuing the thrust of Senator DeAngelis' questions, my references here are civil and criminal. Is this in the bill? I don't have the bill before me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Any individual or corporation who is involved in civil or criminal litigation or is under quote, "criminal investigation"; namely, the file has been taken from the Department of Revenue and referred to the Office of the Attorney General, they're excluded from the program at the request of the department.



PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grothberg.

SENATOR GROTHEBERG:

Then I would ask someone who knows more about the Revenue Code than I do, but civil litigation is triggered in the same then as criminal investigation? The Attorney General or the State's attorney or whatever it is has to have a positive act of being notified...need a warrant for so-and-so, is that the trigger point of litigation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Litigation is when the lawsuit is filed. That's a matter of public record, and those folks are excluded from the program at that...you are correct. That's the trigger.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. Just to pick up on that. In other words, if you are still in the administrative process in the department, hearing, protest, et cetera, before you've gone to administrative review in...in the courts, you could walk in and tender a check and take advantage of this program. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

The answer is, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We have and we will be in the next couple of days trying to assess our...our fiscal condition, and as I'm sure

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everyone is painfully aware, there are school districts across this State who simply are not going to this year receive the kind of money to which they're entitled cr...for that matter, which we'd like to give them because we don't have it. In the State of Massachusetts where I was involved with the majority leader and found out about the program, as Senator Holmberg pointed out, with a tax base about the third our size, they have in a three-month period raised in excess of sixty million dollars. It's like found money, and the Department of Revenue reasonably estimates that somewhere out there across the hundred and two counties of this State, there's in excess of six hundred million dollars in uncollected taxes. We ought to make a run at it. Senate Bill 1420 does that, and I urge that we concur with House Amendment No. 1 to Senate Bill 1420.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur in House Amendment 1 to Senate Bill 1420. 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. The Senate does concur in House Amendment 1 to Senate Bill 1420 and the bill having received the required constitutional majority is declared passed. Senate Bill 1425, Senator Welch. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would move to concur in House Amendments No. 1, No. 5 and No. 6, and No. 8.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved...all right, Senator Welch.

SENATOR WELCH:

Let me explain the amendment because it is a...a large amendment. What it does with this amendment to this bill which started out as the Kerosene Heater Safety Act, we added

on an amendment creating a new Act which is going to be called the Amusement Park Safety Act, and what this Amusement Park Safety Act does, basically, is require yearly inspections of rides by practicing mechanical or electrical engineers who will be supervised by the Department of Labor, requires carnival ride operators or amusement park...park ride operators to provide proof of adequate insurance with permit applications to operate these rides. We are going to establish a three-member carnival amusement safety board that will hand down ride safety rules and regulations and set inspection fees. The Department of Labor director, an amusement park or carnival ride operator, any registered professional engineer will serve on this panel. In addition, we are creating a fifty dollar per permit fee for ride operators. In addition, there will be inspection fees that can be imposed. In effect, the way we are going to pay for this Act is through a user fee by the people operating these rides. I would like to point out some of the reasons for coming up with this legislation. Last year nearly ten thousand people were treated in hospital emergency rooms as a result of amusement park ride injuries, according to the Consumer Product Safety Commission. In order to reduce those injuries, I've amended my bill in the House to enact this Carnival and Amusement Rides Safety Act. Three young...three youngsters from my district were recently injured at the Great America Park near Gurney when the ride malfunctioned. One man was killed in Pontiac, Illinois, at a local carnival ride due to malfunctioning equipment. Roller coasters replete with loops, free fall plunges of up to seventy feet and speeds of seventy-two...miles per hour must be inspected to ensure the safety of our citizens. Safety and fun at amusement parks can go hand in hand, and we're asking for concurrence with these four House amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Schaffer.

SENATOR SCHAFFER:

If the sponsor would yield. We...you're going to inspect the...not only the obviously...I can understand how you go up to Great America and expect...inspect or to a stationary kiddyland or amusement park. How are you going to inspect the mobiles, the ones who go from town to town?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR SCHAFFER:

And from State to...oh...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

There's going to be a...inspection done yearly. Number one, the individuals who operate these rides have to get a permit. Before they get the permit, there has to be an inspection. What the inspection that some rides like this will be basically for will be electric wiring and stress factors...bearing on the metal fatigue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I spent five summers working carnivals, putting rides up. Ferriswheels and tilt-a-whirls aren't registered. They don't have numbers on them like automobile engines. If I wanted to beat this, I'd just have you inspect the one tilt-a-whirl I had that was safe five times and then get five different permits, and the fact that a...when the guy hits the...a border coming up from Mississippi having spent the whole winter working on his equipment and then you go inspect him, you know, the...what makes those machines dangerous...well, what makes the machines dangerous, quite frankly, is alcohol, either by the person on the ride or the person

running the ride, and I don't know that you've addressed that problem, and I suspect if you pull the alcohol related accidents out of the two hundred and fifty, you're probably down to a pretty small number, but I just don't quite see if you're just going to inspect them when they come across the...the line when...after they've spent a few months repairing the machines, it's taking them apart and putting them back together, moving them, running out of parts so you're skimping on pins and stuff like that that makes those things dangerous...how does this bill address that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Senator, there can also be local inspections by a...a local officers as long as these inspections are up to the standards of this Act and the rules promulgated by the board. Certainly we can't take care of every possible item and there are always unscrupulous operators of some sort who can try to get around one of these Acts. The...the possibility of...of inspecting one ride when you own five, I think could be taken care of by some sort of sticker on the rides and spot checking. There's always a possibility of evading a Statute.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I think in candor, the permanent Illinois based firms will probably comply and probably have very little trouble, probably haven't had too much trouble with them anyway as it relates to equipment, but the out-of-state gypsies, however, will make a shambles of this Act and I...you know, it's a wonderful cause and it's hard to speak against it and we're all going to vote for it, but...I suspect five or six years from now, if we lay the statistics along side of what's gone on for the last five years, we'll discover we've

expended a lot of money and raised fees and accomplished very little, but there's sort of a tradition for that sort of logic.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? There is four additional speakers who have requested time. Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Would you explain one more time the costs? You said something about fifty dollars per operator, is that per machine, per what?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

There...there will be a permit fee of fifty dollars per ride that will have to be paid by the owner of the ride. In addition, inspection fees may be set by the board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

So, in other words, if someone has ten rides, they're going to have to pay five hundred dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

That is correct and there...there may be an inspection fee as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Thank you. First of all, to Senator Schaffer's comments.

I suspect that he is right; however, how many times have we passed legislation in this Body and then come back a year later and refine it, hone it, fine-tune it and make it work better? There's got to be a starting point and...and this is a starting point, and I suspect that somehow, somewhere, some bright Department of Labor inspector will figure out a way to get at those problems you addressed and then we can change the legislation in future Sessions. I...I have a question of the sponsor. Senator Welch, you indicated that this would be a ride inspection, et cetera. One thing that I remember as a small boy going to county fairs and so forth, my parents always told me, don't step on the wires that are laid down on the ground...the big heavy cables because it...back in those days, anyhow, and still once in awhile, you notice that those wires were all frayed and sometimes were even...there was even a...bare copper showing and...you know, maybe you were going to get electrocuted if you stepped on that wire. To this day, when I go to a carnival, I always step over the wires because I know I'm going to get electrocuted if I don't, but your...your bill addresses the rides. How about the guy that's got the popcorn stand with the...with the cable laid out there? Is there any way of getting at the inspection of that cable and so forth just to make sure that it's safe?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

This...this particular bill does not regulate that, Senator, but that could be handled by a local ordinance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill, with the amendments, is almost identical to House

Bill 3277 sponsored by Representative Virginia Frederick in the House, which came out of the fact that in...the Marriott Park in Lake County, Illinois, we've had several accidents and we're fortunate that they weren't fatal, but they were bad. I think this bill is a...in the right direction because it also provides that the local government...if they have just as stringent rules as the State rules under this bill that they will be accepted. In addition, it provides also that the local standards, which are as stringent as those in...in this Act, are permissible,...also provides for some measure of safety. I think its time has come. We tried to pass a bill like this, oh, several years ago in the House, and there's no...and it provides inspection not only of places like Great America but also these people that come in for two- and three-day stands. I think it's a step in the right direction and it may not be the best bill, but we've got to start somewhere for the safety of the public, and I, for one, support this bill...wholeheartedly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I was the Senate sponsor of House Bill 3277 which Senator Geokaris just referred to. That bill stayed in Rules, but this is essentially the same piece of legislation. I rise in strong support of it. I think Senator Welch has stated the case well. There are a couple of things that I would reiterate based on the questions that have been posed here on the Floor. First of all, in regard to the concern Senator Schaffer has, I think he makes a good point, there is certainly the possibility that the out-of-staters can evade this law, but the way I read the language it says that, "The inspection shall take place first before the ride is initially placed in the State," and then it says, "and shall



thereafter be inspected at least once each year." So, those inspections could vary throughout the course of a carnival year, so there's no reason why the Department of Labor can't be ingenious enough to stagger the inspections in such a way that they're not all inspected at the moment these...these operations are moving up from Florida on a given day. That, I think, will make it difficult...for these outfits to evade. I might also add on that subject that I don't think we're ever going to get around the problem of human error. There's always going to be difficulty with that. What we're trying to deal with here in this bill, I think, is more the equipment failure part of it, and on the subject of the equipment failure and then specifically the inspections, I would also point out to the question that Senator Watson asked, that the fifty dollar fee...the way the language reads, it's up to fifty dollars, and in the negotiations we've had with the carnival people, our intention was to have a sliding scale, and so I think what the Department of Labor's intentions are is that for a small ride, a kiddie ride, it might be twenty-five dollars, but it might be fifty dollars for a large ride at a large park like Great America. There are certainly problems that are...that remain with this bill, but as Senator Buzbee pointed out, the bill doesn't go into effect until January 1st, 1985. In the meantime, there are people in the Department of Labor with background in structural engineering, they're working on this bill right now. I have every confidence that this bill, when we get...get it fine-tuned and we may have to come back next Session, will go a long way to preventing some of the very serious accidents we've had in our State and in the long-run, perhaps, even save lives. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

I think we should quit beehawing around on this...particular piece of legislation. In 1979, I passed the bill...Representative Kornowicz and I and many others passed a bill and because of the procrastination of the Department of Labor and...the Governor was caused to veto that. Since that time many people have been hurt on carnival rides and so forth. I think this is a start to a good program. I think it has to be...better tuned, but I think in the haste of what we're doing, we're passing something and I think it's most important that we start getting these inspections done. I hate to see the effective date in '85 though, because I hate to see somebody this year become injured or maimed because we failed to inspect rides. I think we should start pushing right now, and I ask for a favorable consideration of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

I tend to share some of Senator Schaffer's skepticism, not about Great America and such places, of course they're going to be there; but the rest of the rides business in this State is pretty much gypsy in nature, and I think Senator Kustra mentioned that you talked with the industry people, well, I can assure you that most of the people that I know about aren't a part of that conversation. They're out somewhere making their way through Illinois right now and they're small, independent people, but I'm curious to know which rides are affected. I...I think of a guy in my district, for example, who has fixed up a little kid train, and he goes around to all the different little local fairs in the commun-

ities. He's taken his garden tractor and remodeled it into what looks like a...a railroad locomotive and...and built a bunch of cars that he tows behind it. Is that...is that a ride that's going to come under the jurisdiction of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Senator, reading the definition of amusement ride, I would say, yes. Let briefly state that, "An amusement ride means any mechanized devise or combination of devises which is an integral part of the devise or devises which carries passengers along, around or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills or excitement." I would say, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

What about the farmer in my district that has a bunch of ponies and he's rigged up a wheel and the ponies are attached to the wheel and it goes around and around in a circle. Now, I assume that that's a mechanical devise that...to which those ponies are...attached. Is that going to have to be inspected and licensed by the State now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I...I'm trying to visualize what...this would be a wheel with ponies pulling individuals riding on a...on a circumscribed route on top of a pony. If it's nonmechanized, it wouldn't be included; if it was mechanized it would be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, of course, it's mechanized to the extent that it has gears and...and...metal, it's like anybody who's ever taken their kids to a pony ride, it's that sort of a ride. Where are these inspections going to be made on...on these people who own one and two and three rides? Where are you going to make the inspections?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Before they are able to set up the ride, they have to have a permit to do so, and they will have to apply for the permit and at that point they will be inspected through this board or Department of Labor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well,...do they leave the...so, do they have to take the ride to the inspector somewhere or does the inspector go to the ride or what happens?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

No, we'll have mobile inspectors going out to where the rides are.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. I would like to point out that there are going to be professional inspectors doing this inspection throughout the State. I think that this is a bill whose time has come. We have been regulating so many professions and businesses throughout the State from barbers and beauticians, I think that it's time that we finally regulated a area which involves so many children who can be injured.

The Governor has agreed to sign this bill once it gets to his desk and I think that's a wise decision on his part. This has been a bipartisan effort to try to get this legislation passed, as witnessed by the three Republican cosponsors on this bill. I think that we should pass this bill out of here and I think that we should start to regulating these devices and start bringing some safety to an area which has been devoid for regulation and inspection for far too long, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall the Senate concur in House Amendments 1, 5, 6 and 8. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Senator Savickas. Senator Rock. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take...take the record. On that question, the Ayes are 53, the Nays are 2, none voting Present. The Senate does concur in House Amendments 1, 5, 6 and 8 to Senate Bill 1425 and the bill having...received the required constitutional majority is declared passed. Senate Bill 1457, Senator Egan. Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. House Amendment No. 1 to Senate Bill 1457 allows...this is a request of the State Treasurer to allow him to charge for the electronic transfer of funds. It...the use of electronic transfers has been increasing and it's become somewhat of a burden to the office and somewhat of a cost to the treasury, and this should resolve the problem by allowing the Treasurer to charge fees on these electronic transfers, and I ask for your favorable consideration and...and move to concur in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to concur with House Amendment No. 1.

Discussion of the motion? Discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1457. 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. The Senate does concur with House Amendment No. 1 to Senate Bill 1457. The bill having received the required constitutional majority is declared passed. Senate Bill 1459, Senator Netsch. Senator Netsch is recognized for a motion.

SENATOR NETSCH:

Thank you. Mr. President, I would move that the Senate do concur with House Amendment No. 1 to Senate Bill 1459. The bill was a relatively simple bill requested by the State Treasurer that dealt with the time for computing penalties when a county treasurer does not....or I'm sorry, interest when the county treasurer does not in a timely fashion transfer money that he is required to do. The amendment deals...is a substantive amendment to the inheritance tax law, the first one also dealt with inheritance tax law, and it provides that a parent without being officially appointed as a guardian or...as a guardian or legal guardian of a minor child, when that parent's interest is not adversely to the child may make a written election that has to do with...as I understand it, with the time payments for certain inheritance tax matters. The...this is required because of a provision in the Federal law and which makes it clear that the State law governs the way in which the election may be made on behalf of the minor children, and there seems to be some either absence or confusion about the State of Illinois law. I know very little about the exact legal significance of this provision, but I did check with the Attorney General's Office which has in the past administered the inheritance tax law and they said they have no objection to it. I would there-

fore move that the Senate concur with Amendment No. 1...House Amendment No. 1 to Senate Bill 1459.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to concur with House Amendment No. 1. Discussion of the motion? Senator Rock.

SENATOR ROCK:

Just a question of the sponsor, if she'll yield.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield. Senator Rock.

SENATOR ROCK:

From whence came this amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

I wish I knew. It was a House amendment and I've never been able quite to pin down who wanted it or why. I believe, if I'm not mistaken, I think it was Representative Ewing and it obviously grew out of some set of circumstances that he was familiar with in his legal practice. I...that's the only thing I can tell you to...as an answer, Senator Rock. I did check it with the Attorney General's Office though to see whether it was in any way a troublesome amendment and they said they had no objection.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, I...it...it is, frankly, kind of a change in the law and one that I think...I would like to know where it initiated...

PRESIDING OFFICER: (SENATOR BRUCE)

All right, further discussion? Further discussion? Senator Netsch may close.

SENATOR NETSCH:

...Senator Rock has asked that I just take this out of

the record for the moment and see if we can get more precisely identified the source of the amendment. I will be happy to do that.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to take it out of the record? Take it out of the record. 1478, Senator Philip. Do you wish to...all right, Senator Philip is recognized for a motion.

SENATOR PHILLIP:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1478 as amended in the House makes two small changes, the technical change...change and also makes an...effective...immediate effective date. This is the bill that deals with interest accrued by county treasurers. I move that we do concur in House Amendment No. 1 to Senate Bill 1478. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, is there discussion? The motion is to concur. Discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1478. 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. The Senate does concur with House Amendment No. 1 to Senate Bill 1478 and the bill having received the required constitutional majority is declared passed. Senate Bill 1481, Senator Collins. Senator Collins is recognized for a motion.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I move to concur with House Amendment No. 1 to Senate Bill 1481. As you recall, Senate Bill 1481 created the housing...the Food and Housing Assistance Act, but because the companion bill did not get out of committee, there was no authorization in the bill for the Department of Public Aid to



spend the funds. So, it was requested, I understand, by the Comptroller's Office that we give that authorization, and that's what this amendment does. I move for a concurrence.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to concur with House Amendment No. 1. Is there discussion of the motion? Discussion? Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield. Senator Darrow.

SENATOR DARROW:

It is my understanding that this amendment provides that fifty percent of the monies from this fund should go to the...Illinois Housing Development Authority. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

No, in...in the original, you know, legislation...because the other didn't pass, the original thing started out that monies would be going...fifty percent of the money would be going for housing and fifty percent would be going to food. That...the food would be administered by the Department of Public Aid and housing by IHDA. The amendment changed that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

Well, according to the...the synopsis, House Amendment No. 1 deletes provisions authorizing the General Assembly to appropriate up to fifty percent...okay, I see, you're right, I'm sorry.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall the Senate concur with House Amendment No. 1 to

Senate Bill 1481. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Johns. Senator Demuzio. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 10, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1481. The bill having received the required constitutional majority is declared passed. Senate Bill 1484, Senator Jeremiah Joyce. Senator Jeremiah Joyce on the Floor? Senate Bill 1524, Senator Coffey. Is Senator...there he is. Senator Coffey, do you wish to make a motion? Senator Coffey is recognized.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I would like to move to nonconcur with House Amendments 3 and 4, and to concur with Amendment No. 5.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion is that we concur with House Amendment No. 5 to Senate Bill 1524. Is there discussion of that motion? Senator Netsch.

SENATOR NETSCH:

Thank you. I would like to know what Amendment No. 5 does.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Yes, Amendment No. 5...last year or the year before, we made available a special legislative plate for persons fifty-five years of age that served in the General Assembly. There was amendment put in...in the House saying you no longer have to be fifty-five years of age to receive that plate but ten years of service. So, if you have ten years of service regardless of your age, you can have your legislative plate that's been designated.

AB 1589  
concur

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

It doesn't then have anything to do with the basic subject matter of the original bill or presumably some of the other amendments. Is that...is that correct, Senator Coffey?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Yes, that's correct. Is still...it's a special plate, they have to pay the special fee and everything they did before. It just changes...the only thing that it changes...and it has nothing to do with the original bill, but just fifty-five years of age, now, ten years of service.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, further discussion? The question is, shall the Senate concur with House Amendment No. 5 to Senate Bill 1524. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 3, none voting Present. The Senate does concur with House Amendment No. 5 to Senate Bill 1524. Senator Coffey now moves to nonconcur with House Amendments 3 and 4 to Senate Bill 1524. On the motion to nonconcur, those in favor say Aye. Opposed Nay. The Ayes have it and the Senate nonconcur with House Amendments 3 and 4 and the Secretary shall so inform the House. Senate Bill 1560, Senator Mahar. Senator DeAngelis, are you going to be handling Senator Mahar's bill? Appropriation. All right. Good. Senate Bill 1589, Senator Smith. Senator Smith is recognized for a motion.

SENATOR SMITH:

Thank you, Mr. Speaker and members of the Senate. I move to concur with the House Amendment No. 3...1 and 3 that we

had...the

PRESIDING OFFICER: (SENATOR EBUCE)

All right, the motion to...Senator Smith.

SENATOR SMITH:

...it...it...it merely clarifies that there should be a...if the parent cannot be located, or consenting parent, affidavit stating that the absent parent cannot be located and that a diligent effort has been made to locate him and shall have the effect of both parents' consent for the purpose of age restrictions for the issuance of a marriage license. I move to concur.

PRESIDING OFFICER: (SENATOR EBUCE)

Motion is to concur with House Amendments 1 and 3 to Senate Bill 1589. On the motion, is there discussion? Discussion? Question is, shall the Senate concur with House Amendments 1 and 3 to Senate Bill 1589. 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. The Senate does concur with House Amendments 1 and 3 to Senate Bill 1589 and the bill having received the required constitutional majority is declared passed. Senate Bill 1602. Senator Luft is recognized for a motion.

SENATOR LUFT:

Thank you, Mr. President. I would move that the Senate concur in House Amendment No. 2 to Senate Bill 1602. Senate Bill 1602 is the bad checks legislation, and a provision in this bill simply says that prior to the hearing of any action under this section, the defendant may tender to the plaintiff as satisfaction of the claim an amount of money equal to the sum of the amount of the check and the incurred court costs and service and attorney fees. What the amendment does is simply say that the plaintiff shall accept that offer. So, I would move that we do concur in House Amendment No. 2 to

Senate Bill 1602.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion to concur. Is there discussion? Discussion? The question is, shall the Senate concur with House Amendment No. 2 to Senate Bill 1602. 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 are none, none voting Present. Senate does concur with House Amendment No. 2 to Senate Bill 1602 and the bill having received the required constitutional majority is declared passed. For what purpose Senator Keats arise?

SENATOR KEATS:

I just rise on a point of personal privilege, Mr. President. Several of us over here who are trying to follow the bills and have our stuff and remember most of it, we would appreciate it as Senator Luft just did, he stood up, explained what the bill originally was...the specific amendments. How 'bout if we do that so it saves us having to get up and ask? We've been fairly good so far, but we're beginning to notice there's a problem on that issue. Could everyone please be sure to explain what those amendments are again, and why we're not concurring on a few of these House amendments? We would appreciate that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill 1612, Senator Philip. Senator Philip is recognized for a motion.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of...of the Senate. Senate Bill 1612 as amended is the DuPage County's Civic Center bill and it adds some other areas, Sterling, Elgin, Orland Park, Niles, Schaumburg, Quad Cities, Collinsville, Pekin, River Forest, Alledo. There are...these Amendments on it 2, 4, 5, 7, 9 and 10. I move that the

Senate do concur in those amendments. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bock.

SENATOR BOCK:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I, unfortunately, rise in opposition to concurrence. I voted for...along with virtually unanimous support of this Senate for Senate Bill 1612 as a Senate bill, but I would ask the members to just take a look and see what the House has visited upon us. We now have the River Forest Civic Center, we have the Aldeo Community...Community Center Act. Aldeo, I'm told, is up in Mercer County and they have three thousand people in that town and now they've got a...an authority with nine of the three thousand being on the board of directors, they might as well put the whole town on the board of directors, and I have to congratulate Senator Philip, you are truly a statesman, and I will only point out...I'd ask the members to take a look at House Amendment No. 9. Senator Philip is now trying to rebuild East St. Louis, and I think it's a wonderful thing.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know I've come a long way, Senator Bock. Kenny Hall has been beating me up for these some ten years and I've finally come over to his way of thinking and, quite frankly, I was not happy with...with everything that has been tacked on over at the House. If you can figure out the House, you're a lot brighter than...than I am, I will tell you that. I would be willing not to concur if...if that would be the wish of the Body, put it in Conference Committee and...and see what we can reasonably work out.

*SB 1618  
concurance*

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

No, I...I don't...listen, it's your bill, I...take a run at it. I'm just...it...it strikes me as typical House action and one that we ought not concur in.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, further discussion? Further discussion? The question is...Senator Philip, did you wish to close? All right, the question is, shall the Senate concur with House Amendments 2, 4, 5, 7, 9 and 10 to Senate Bill 1612. 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? Have all voted who wish? Take the record. On that question, the Ayes are 17, the Nays are 35, 5 voting Present. The Senate does not concur with House Amendments 2, 4, 5, 7, 9 and 10 and the Secretary shall so inform the House. Senate Bill 1618. Senator Davidson is recognized for a motion.

END OF REEL

REEL #3

SENATOR DAVIDSON:

Mr...President and members of the Senate, I move we concur with House Amendment No. 1 to Senate Bill 1618, and the House amendment was put on which would empower the Department of Conservation to exchange in addition to sell surplus agricultural products grown on its land and when such products cannot be used by the department. And the reason they want to go to the exchange rather than the...as they can now sell is so they exchange some of their surplus cash crop, such corn, soybeans et cetera for specialized foods that's grown and they exchange that in relation to feed for wildlife and et cetera. I move that we concur.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to concur. Is there discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well...what...why can't they just sell it and buy this other crops if they want to?

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Senator Davidson.

SENATOR DAVIDSON:

Because whatever they sell, income goes into the General Revenue Funds the State of Illinois and we would have to...reappropriate it out in their annual appropriation to be able to buy. They can exchange and go ahead in an emergency situation and a feeding program when it's needed and when the weather so calls for it. And by exchange, they can do that.



PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, when they exchange are they going to trade or are they going to sell it and then take the money and buy something?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Exchange...means trade in my mind and get in...so we'll have legislative intent so there will be no doubt about it. In my understanding the legislative intent this is exchange. If the corn is worth so much and the other they're buying is worth so much equal amount would be so the cash value would be the same but it will be exchanged, there'll be no money transacted.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce. Further discussion? Further discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1618. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1618 and the bill having received the required constitutional majority is declared passed. Senate Bill 1625, Senator Maitland is recognized for a motion.

SENATOR MAITLAND:

Thank you, Mr. President. I move the Senate concur in House Amendments 1, 2 and 3 to Senate Bill 1625. Background on the bill, this is the legislation we passed out of this Body some weeks ago that would allow counties with a front-door referendum to levy up to a nickel...for tax

collection purpose. In other words, the...the necessary cost that...that they...that are developed because of...their involvement in tax collection. The House amendments do three things. Amendment No. 1 corrects a spelling error, we couldn't spell in the Senate. Amendment No. 2 adds an immediate effective date. Amendment No. 3...takes Cook County out of the bill. At one point here in the Senate we...we had Cook County out and somehow we got them back in inadvertently and this amendment assures that Cook County is not involved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Smith.

SENATOR SMITH:

Mr. President, I stand on a point of...of personal privilege, that's what I wanted. I'll wait.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...state your point.

SENATOR SMITH:

I merely wanted to make an introduction. We are proud to have the family of our colleague, Senator Emil Jones, his wife and her...the two children and then we have her...his sister-in-law and her husband who are visiting here from New Orleans, Louisiana and we would like to recognize their presence here today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh. Would our guests in the gallery please rise and be recognized by the Senate. Welcome to Springfield. This is the first time he's been in his seat all day. Senator Maitland, do you wish to...is there any discussion? Do you wish to close, Senator Maitland? All right. The question is, shall the Senate concur in House Amendment 1, 2 and 3...Senator Maitland? House Amendments 1, 2 and 3. 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. The Senate does concur in House Amendments 1, 2 and 3 to Senate Bill 1625 and the bill having received the required constitutional majority is declared passed. Senate Bill 1708. Senator Bruce is recognized for a motion. Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. There...the House has tacked on two amendments to Senate Bill 1708 which dealt with the problems that this General Assembly has created for the circuit clerks in collecting fees for differing items and distribution to differing bodies, and they have corrected a couple of problems that have developed since then. One is the Supreme Court opinion dealing with the additional five dollar filing fee that was to be paid in the Domestic Violence Shelter Service Fund when a divorce petition was filed. That would...Amendment No. 1 will remove that. The...also removes language that deals with the filing fee for small claims court cases and states that generally the filing fee shall be two dollars when a...the...the amount of the petition is not more than two...two hundred and fifty dollars...between two hundred and fifty and five hundred, the fee shall be ten dollars; when it exceeds twenty-five hundred dollars, the fee shall be twenty dollars; more than fifteen thousand dollars, the fee shall be forty dollars. It makes the...the fees a sliding scale rather than the flat fee as they have been in the past. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1708. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who

wish? Beth. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1708 and the bill having received the required constitutional majority is declared passed. Senate Bill 1714, Senator Degnan. Senator Degnan on the Floor? Senate Bill 1725, Senator Marovitz. Senator Marovitz is recognized for a motion in reference to Senate Bill 1725.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. I would move that the Senate do concur with Amendments No. 1, 2, 3, 4, 5 and 6 to Senate Bill 1725. Amendment No. 1 revises the provisions dealing with notification of victims and family regarding commencement of prosecution, pleas...and disposition of cases. Amendment 2 changes the responsibility of prisoner release notification from the Department of Corrections to the Prisoner Review Board. Amendment No. 3...creates the senior...I'm sorry, the Elder Abuse Demonstration Program and mandates a comprehensive study of the problem rather than instituting a whole new program under the department. Amendment No. 4 provides that a victim or a family member be notified of a prisoner's release from custody by the Prisoner Review Board if that request is made in writing. Amendment 5 deals with...providing information about senior citizen abuse and immunity. And Amendment No. 6...provides that information can be withheld from the victim if the state's attorney's determination that disclosure of such information regarding the investigation would interfere with the process of the investigation. I think these are very reasonable amendments, and I would ask for concurrence of House Amendments 1 through 6 to Senate Bill 1725.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? Any discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor on...on House Amendment No. 6. This may be a very simple amendment, but to be frank, I don't have a copy of the amendment. I'm just going...what it's saying is that the state's attorney, as you were saying, doesn't have to inform the family of that status of that investigation. Could you explain to me a situation where we could justify someone who is intimately involved with that case being refused information? I mean, I...I...it might be a fine amendment, I'm just sort of asking 'cause it just doesn't hit me as anything I would think reasonable. Seems to me the family has a right to know what's going on. One of the reasons that we've been so unsuccessful in maintaining stiff sentences on criminals is that the families are so often excluded from what's happening.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The...this was requested by the state's attorneys and this is not in any way to keep any information from them or to let them know that there is an investigation but perhaps to keep specific information about specifics of the investigation only if the state's attorney deems that it would interfere with the investigation itself.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? The question is, shall the Senate concur in House Amendments 1, 2, 3, 4, 5 and 6 to Senate Bill 1725. 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. The Senate does concur in House Amendments 1, 2, 3, 4, 5 and 6 to Senate Bill

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1725 and the bill having received the required constitutional majority is declared passed. Page 12, Senate Bill 1727. Senator Marovitz is recognized for a motion.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I move that the Senate do concur with House Amendment No. 1 to Senate Bill 1727. The amendment excludes from the sale of...sales tax exemption in regards to gold coins the coins issued by the Republic of South Africa. I would...I would add that this was at the request of several members of the...of the House. There is also a severability clause included in this amendment, and I would add and read into the record that, "If any provision of this Act or the application of any provision to any person or circumstance is held invalid, the invalidity of that provision or circumstance shall not affect the other provisions of this Act or the application of that provision to persons or circumstances other than those to which it is held invalid." That is the severability clause so that if any one section of the legislation is deemed to be unconstitutional, it would not affect the remaining portions of the legislation would still...would be constitutional. I would ask for concurrence with House Amendment No. 1 to Senate Bill 1727.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Keats.

SENATOR KEATS:

Could we have a further explanation? I think that second amendment simply excludes the currency of one country and that I would think we would want a better explanation because I don't think we want the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I...you...you do understand the amendment correctly. It

is as I explained and it is as you understand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I would think we would want a No vote then to send it back to a Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Netsch. Oh,...pardon me, Senator Netsch. Senator Keats, I...I'm sorry, I thought you had concluded. Senator Keats.

SENATOR KEATS:

I'm sorry...someone just mentioned to me, perhaps if you want, we could divide the question or something but it seems to me it might be a better idea to send it to Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Just to be clear, I'm not sure I heard all of your explanation. The amendment deals only with the South African Krugerrand. I...I have a problem, I don't object to your amendment but I object to the basic bill, which I suppose compels me to vote No because adoption of the amendment would make the bill final passage if it were...if it prevailed. Yeah, I still have some difficulty just addressing that problem with the basic bill. There...there is an argument to be made, I think that is true, that there is some differential in treatment with respect to the sale of...of gold coins and the other things that are the subject of the bill. The problem is that the...they keep making the analogy to those matters that are traded like bullion and...and whatever on the Board of Trade as opposed to those that might be sold by...out of a retail establishment and say that the Board of Trade transactions are not subject to the sales tax and they

are. But that has never really quite held up to me, because the Board of Trade is a very different kind of operation from the sale at retail out of a retail establishment even perhaps of the...the same products, if you will. So that I really had...still have difficulty with...I recognize an element of unfairness but I'm just not sure that the...the appropriate way to do it is to start broadening the exemption base of the sales tax which, heaven knows, we've done enough over the past few years. So I guess I'm compelled to vote No or Present since I don't like the basic bill still.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Eecker.

SENATOR EEECKER:

Thank you, Mr. President. I rise in support of Senator...Marovitz' bill. Today I can write to maybe thirty different states and I can buy gold and I can buy silver and pay no sales tax. We should treat our coin dealers in the State of Illinois the same as we do coin dealers out of state, allow our people to buy that gold and silver in our own coin stores here in...in Illinois and be treated the same as they are in other states.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Just to clarify this, the department says that...that brokers...brokers and those at the Board of Trade are registered as retailers and are supposed to be paying taxes. They are not being paid taxes. You...brokers today...in Illinois can handle these sales and there are no sales taxes. The people at the Board of Trade pay no sales taxes. But our business people who are in the numismatic business, who are coin dealers, they have to pay the sales tax, they are the only ones. And in many other states around this country...around this nation there



is no sales tax paid. In states...there's about thirteen...Alabama, Arizona, Arkansas, California, Delaware, Florida, Hawaii, Idaho, Iowa, Louisiana, Montana, New Hampshire, North Dakota, Oregon, Rhode Island, Texas, Utah, Connecticut, Maryland, none of them, none of them charge sales tax on legal tender. And that's why our people are getting...involved in...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...Senator Marovitz...just a moment. Senator Davidson, Senator Keats, the gentleman was closing. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I'm asking a question of the Chair. Is he moving to concur in both amendments or did he divide the question and put concur in one and then in two, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson, it's my understanding there is only one amendment and I am not quite sure, Senator Marovitz has yet to move so...is there further discussion? Senator Keats.

SENATOR KEATS:

Yeah, I just want to stress so no one's confused,...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

...as Senator Becker was explaining on the bill, I'm strongly in favor of the bill. My objection is not to the bill, my objection is to the amendment. That's why we are saying we would like a Conference Committee to take off the House amendment. The bill's a great bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

...it's the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The gentleman was closing. Senator Marovitz to close.

SENATOR MAROVITZ:

Well, I am moving to concur. There is only one amendment and for those of you who overwhelmingly...forty-nine...people in this Senate voted for this bill, if you want to see this bill passed and see the unfairness and inequity to our business people in the State, if you want to see that alleviated, then this is the only way to do it because there is substantial problem to having South African Krugerrands in the bill in the House. As a matter of fact, to get it on the record, many individuals voted for this bill in committee in the House, and the next day they were severely chastised in the newspapers and felt that they would have to have this amendment. We put this amendment in there for that very reason. There is a severability clause to...to protect the constitutionality of this legislation; and, if indeed, we want this legislation, concurring is the only way to do it. And that's why I move to concur and protect our business people in the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur in House Amendment 1 to Senate Bill 1727. 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? Have all voted who wish? Have all voted who wish? Senator Johns. Have all voted who wish? Take the record. On that question, the Ayes are...the Ayes are 29, the Nays are 20, 6 voting Present. The motion having failed to receive the required constitutional majority is lost and the...Secretary shall so inform the House. Senator Marovitz.

SENATOR MAROVITZ:

Well, now I will move to nonconcur and...and have a...see if the House will recede or have a Conference Committee set up. All right, it's automatic, so then we'll...I will move

to nonconcur and...and set a Conference Committee up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz, it's automatic, we've already done that. The Chair announced that the Secretary...shall inform the House. Next case. Senate Bill 1743, Senator Hall. Senate Bill 1746, Senator Davidson. Senator Davidson is recognized for a motion in reference to Senate Bill 1746.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I move the Senate concur in House Amendment 1, 3, 4 and 5 to Senate Bill 1746. House Amendment No. 1...excuse me...has...in relation to the transfer of the working cash fund...wait a minute, got the wrong...wrong analysis, got to get the other folder. The Amendment No. 1 has to do with the same borrowing...authority for any district of less than five hundred thousand population. Charter districts, there's only nine charter districts. And...No. 3 has to do...it may...the school district may levy a fire prevention safety tax or issue fire and safety bonds in order to construct a new building on-site or construct building additions if an architect determines that it would be in district's best financial interest to do so. This was the request from the Chapman...Cutler Bond Counsel. No. 4 has to do that Chicago school districts shall be distributed to the attendance and it's in proportion to the number of students in each attendance center who receive free or reduced price lunches or breakfast since the previous year. No. 5 provides that an individual may serve on a school board and at the same time serve as the director of the Regional Transportation Authority. The current...the Statutes prohibit a person from serving on either board at the same time, and this is so...holding any other elective or appointed office. This is so that they would have an opportunity to do that. We will nonconcur on No. 6 when we get to it.

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concurance*

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Is there any discussion? All right. The question is, cn...shall the Senate concur in House Amendments 1, 3, 4 and 5. Those in favor...to Senate Bill...to Senate Bill 1746. 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. The Senate does concur in House Amendments 1, 3, 4 and 5. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I move that the Senate nonconcur in House Amendment No. 6. There is a great deal of controversy dealing with this. This is so that we can get some input from all sides concerned. It has to do with the funding or refunding under the private business and vocational schools which are responsible through the IOE for prescreening and...activity and there is great deal of controversy on...on who's protecting whom. And I would respectfully ask we nonconcur so we can get the differences between all the players ironed out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson moves to nonconcur in House Amendment 6 to Senate Bill 1746. Those in favor say Aye. Opposed say Nay. The motion carries and the Secretary shall so inform the House. Senate Bill 1747. Senator Davidson is recognized for a motion.

SENATOR DAVIDSON:

Mr. President and members...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, pardon...pardon me, Senator Davidson. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Thank you, Mr. President. I was off the Floor when Senate Bill 1727 and Amendment No. 1 were called. I want it in the record that...had I been on the Floor, I would have voted to support that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will...so indicate. Senator Davidson is recognized for a motion on Senate Bill 1747. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I move that the Senate concur in House Amendment 1, 3 and 4 to Senate Bill 1747. House Amendment No. 1...provides supplemental State aid due to newly created school districts. It's where they're combining to form a new...district shall be based upon the combined districts audited fund balances including the district's working cash fund balances.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Take it out of the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Mr. Secretary, take 1747 out of the record. Senate Bill 1791, Senator Luft. Senator Luft is recognized for a motion in regard to Senate Bill 1791. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would move that the Senate do concur in House Amendment No. 1 to Senate Bill 1791...Senate Bill 1791 is the unitary tax bill. It allows unitary tax corporations to be taxed as a single taxpayer which allows them to only have to file one to two forms rather than the numerous forms that they have. As the bill left here, if you remember, we also discussed that there was some...problems that the Department of Revenue may have had with the bill. House Amendment No. 1 is an agreement between

the Department of Revenue and the sponsors of the bill. And House Amendment No. 1 does the following: it delays the effective date applicable to the combined returns provisions by one year to...December 1975; it provides that offsets of income tax liability are permitted among members of the same unitary group only for the same taxable year, except when an audit has been conducted by the department a multiyear will be allowed; it specifies a combined return may be filed so long as the return includes all those taxpayers. Additionally, such provisions apply to all, not just some of the purposes for which an election to file a combined return and it clarifies that the bill exclude Subchapter S, Corporations. I would move that we do concur in House Amendment No. 1 to Senate Bill 1791.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any discussion? Senator Berman, your...your light is flashing, you wish to speak on this bill? Senator Berman, you wish to be recognized on this bill? All right. Is there any further discussion? The question is, shall the Senate concur in House Amendment 1 to Senate Bill 1791. 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. The Senate does concur in House Amendment 1 to Senate Bill 1791 and the bill having received the required constitutional majority is declared passed. 1793, Senator Bloom. Senator Bloom is recognized for a motion on...on Senate Bill 1793.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. I would move that we concur in House Amendments 1, 2 and 4. The House sponsor, Representative Cullerton, has Amendment through...Amendment No. 1 tightened up the definition of an

inmate of the Department of Corrections. And Amendment No. 2 essentially puts Senator Degnan's bill, Senate Bill 1841, into that. And as you may recall, that revised the parole procedure and required that family...family members of victims be afforded certain notification and certain rights. In addition, Amendment No. 2 says the...the Prisoner Review Board...must also maintain a registry of their decisions and essentially satisfies those requirements. And then the Department of Conservation had a...a technical problem with the way they administered their victim of...their portion of the Victim Assistance Fund, and it's my understanding that Amendment No. 4 takes care of that. The bill itself is the crime victims' bill of rights. It has support on both sides of the aisle. I'll answer any questions; otherwise, I suggest we send it off to the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? All right. The question is, shall the Senate concur in House Amendments 1, 2 and 4 to Senate Bill 1793. 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 52, the Nays are none, none voting Present. The Senate does concur in House Amendments 1, 2 and 4 to Senate Bill 1793 and the bill having received the required constitutional majority is declared passed. 1794, Senator Bloom. Senator Bloom is recognized on...on Senate Bill 1794.

SENATOR BLOOM:

I'm instructed to nonconcur in 1794 and request that a Conference Committee be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The motion by Senator Bloom is to nonconcur in House Amendments 1 and 6...to Senate Bill 1794. Those in

favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1797, Senator Newhouse. Senator Newhouse...cn 1797.  
SENATOR NEWHOUSE:

Thank you, Mr. President. Amendment to Senate Bill 1797 does two things. It simply delays the date of its enactment and it changes the title and I have no objection to either. I would move its concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question is, shall the Senate concur in House Amendment 3 to Senate Bill 1797. 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. The Senate does concur in House Amendment 3 to Senate Bill 1797 and the bill having received the required constitutional majority is declared passed. 1801, Senator Bock. Senator Bock on 1801.

SENATOR BOCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This was the bill which...Senate Bill 1801 which passed out of this Body virtually unanimously, suggesting...or requiring the Commerce Commission to authorize the construction of interconnection between a private energy entity and a utility for natural gas transportation. The amendment as offered and adopted in the House, House Amendment No. 1, with which I will move to concur is a clarifying amendment to clarify the definition of a private energy user to include not only landowners of landfill facilities but also those who function as the tenant producers. I know of no objection. The amendment was an agreed amendment in the House, and I would urge the Senate to concur with House Amendment No. 1 to Senate Bill 1801.



PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question is, shall the Senate concur in House Amendment 1 to Senate Bill 1801. 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? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendment 1 to Senate Bill 1801 and the bill having received the required constitutional majority is declared passed. Senate Bill 1811, Senator Luft. Senate Bill 1841, Senator Degnan. Page 13, Senate Bill 1845, Senator Jeremiah Joyce. Senate Bill 1853, Senator Becker. Top of page 13, Senate Bill 1853. Senator Becker is recognized for a motion.

SENATOR BECKER:

Thank you, Mr. President, members of the Senate. I'm pleased to say that Senate Bill 1853 has returned to us from the House with a unanimous vote of a hundred and eighteen with House Amendments 1, 2, 3, 4 and 5. I do ask that this Body does concur with Senate Amendment 1 which deletes everything and replaces with similar provisions as the Senate passed. Authorizes the highway authority to promulgate rules for the location and placement of pipelines, wires, rails, et cetera along highways except tollways. This bill, passed version, required the authority to promulgate rules. This does not require, only allows. Makes other agreements...other changes agreed upon by IDOT and the various utilities. Amendment 2 changes appropriate highway authority. This will authorize the State Highway Authority to make rules for the use of State highways other than toll roads. Provides that consent of the highway authority will not relieve the utility from also obtaining consent from any private landowners whose land may be needed for such project. Senate Amendment No. 3 provides that consent at the county

level may come from the county superintendent of highways if so designated by the county board. Amendment No. 4 amends the Highway Code to allow Chicago to include maintenance and repair of nonarterial residential streets as expenditures to be funded from the twenty-five percent of motor fuel tax funds. Amendment No. 5 makes a technical correction. I do ask for a favorable vote and that we do concur with the House on Senate Amendments 1, 2, 3, 4 and 5. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Is there any discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Question...question. Senator Becker, with respect to Amendment No. 4, I know that's not your amendment, that's an amendment from the City of Chicago. Is there someone here or perhaps you, could you explain how that legislation operates?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Becker.

SENATOR BECKER:

I believe, Senator Jeremiah Joyce, that there is an attorney by the name of Donald Carr, familiar with Senator Rock, Senator Berman, who just recently sued the City of Chicago for one million two hundred and fifty thousand dollars for a young seventeen year old girl that lost her left leg because of a pothole in a side street. The City of Chicago is asking that twenty-five percent of the Motor Fuel Tax Funds that are returned to them can be used for maintenance and repairs of these arterial streets.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Is there someone who is, for want of a better term, carrying the water for the City of Chicago on this bill who

might be able to answer a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

I believe, Senator Joyce, the amendment in the House was put on by Speaker Madigan and Representative McGann.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, that doesn't necessarily lend itself to...let...let me...let me express to you what my concern is, Senator Becker, because I'm not certain that I'm correct. There was a set-aside...a percentage set-aside for construction and reconstruction of nonarterial streets. This money was designated for a specific purpose. Now it seems to me what the city is trying to do is to dip into this money for ongoing maintenance rather than using the other part of the fund or other funds to do that. If that is the case, then I rise in opposition to Amendment No. 4 to Senate Bill 1853. But I wish there was someone here from the city who could explain this to me and...someone who I could have faith in in believing the answer that they give to me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, further discussion? Up popped just the man, Senator Rock.

SENATOR ROCK:

I'm not volunteering for that duty, don't misunderstand, because when I spoke with Senator Nedza going through these bills, I...I was recommending nonconcurrency on Amendment No. 4. I, frankly, have the same fear, that we have worked for a long time, going back as far as Senator Joyce's predecessor, Senator Hynes, to get part of this money designated and now it appears we are...we are not only talking about reconstruction or improvement, now we're talking about maintenance and

repair. And it just seems to me that we may well be just affording an opportunity to raid and fill potholes as opposed to what we're supposed to be about here. I'm not...Senator Becker, with all due deference, I am...I've had in all the notes that I've been carrying around to nonconcur in this amendment so we can find out what in the world is going on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

Thank you, Senator Rock. I'm sure if there is anything illegal, immoral or unconstitutional, when this reaches the Governor's Desk there will be a line item veto. There was another amendment which the Department of Transportation refused to put on this bill. So, I say, let's pass it out of here and let it hit the Governor's Desk and let him put a line item veto if is...that is his desire and these funds remain for construction or reconstruction of arterial streets only.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, surely someone, Senator Becker, should know what other downstate communities, what percentage of their motor fuel tax money they can use on nonarterial streets? Is it the twenty-five percent Statewide that may be used from motor fuel tax on nonarterial streets?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

This amendment pertains to Chicago only, Senator Weaver.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

I'm just asking, though, in other downstate communities,

can they use twenty-five percent of their Motor Fuel Tax Funds for nonarterial streets? Are we being treated the same as the City of Chicago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR ECKER:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President, just a point of clarification. When Senator Hynes was President of the Senate, we did work on the change in the Motor Fuel Tax Formula to designate certain portions of those funds for nonarterial streets as far as improvement is concerned. But this particular amendment does not jeopardize that particular formula, because when we changed that formula, it benefited many communities throughout the State of Illinois wherein they could use those funds for improvements of nonarterial streets. This particular amendment which impacts only on the City of Chicago, not only...can they use the money to...for construction but this amendment will allow them for maintenance and repair such as potholes. It has nothing to do with the formula as it relate to the distribution of...of fuel tax funds to local units of government. I see...I see why...I don't see why there is any opposition or confusion about this amendment because all it does, it says not only can you construct but you can also repair and take care of the potholes and maintain those nonarterial streets. And this is what this amendment does, and I think the members on this side of the aisle and...and particularly those from the City of Chicago should be for this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. Senator Becker, on Amendment No...2, I think it is, this deals with...with the bill as it is, not the City of Chicago. But...here it says the...that they have the...the Department of Transportation has the right to set rules and so forth as far as public utilities and pipelines. Does this...would, for instance, this where a pipeline or a public utility has an easement through a piece of property, would this allow them to put this...lay this cable?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Becker.

SENATOR BECKER:

They still must get the private owner's consent, Senator Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

And that...the owner of the property would have to consent and they would have no right of eminent domain?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah Joyce, for a second time. Gentlemen.

SENATOR JEREMIAH JOYCE:

Well, in...in the middle of all this, I would move to divide the question with respect to Amendments No. 1, 2, 3, 4, and is there a fifth amendment? 5.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. That...that is in order. Senator Weaver.

SENATOR WEAVER:

Well, I...I just asked Secretary Kramer what...whether there was any restriction on the use of motor fuel tax monies on nonarterial streets downstate, and he said he was ninety percent sure that there were no restrictions. I thought there were some restrictions on the amount of MFT funds that you can use on nonarterial streets. So, I don't really know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Becker, what is your pleasure? Senator Becker.

SENATOR BECKER:

I ask that we do concur with Senate Amendments 1, 2, 3, 4 and 5.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, the gentleman's request to divide the question is certainly in order as provided in our rules. It seems to me that your motion would...would be to...move for the adoption of 1, 2, 3 and 5, and let 4 go it on its own merits. Senator Becker.

SENATOR BECKER:

I move to concur on 1, 2, 3 and 5.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall the Senate concur in House Amendments 1, 2, 3 and 5 to Senate Bill 1853. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Kenney. Have all voted who wish? Senator Hall. Have all voted who wish? Take the question...take the record. On that question, the Ayes are 56, the Nays are none, 2 voting Present. The Senate does concur in House Amendments 1, 2, 3 and 5 to Senate Bill 1853. Senator Becker...is recognized for an additional...motion.

SENATOR BECKER:

Thank you, Mr. President. I move to concur with Senate Amendment No. 4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR BECKER:

Me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker has moved to...to concur with House Amendment 4. Is there any discussion? Senator Joyce, Jeremiah.

SENATOR JEREMIAH JOYCE:

Well, we seem to have a split in authority on this side of the aisle as to what this amendment does. Those who were involved in the...in 1305 in sponsoring that legislation last year indicate that, in fact the statements that I have suggested are the case. Senator Jones is of a different opinion and I ask that we nonconcur in Amendment No. 4.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right. Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I just...Senator Kramer...I should say, Director Kramer just came back and said that there are no restrictions on the use of motor fuel tax monies...in that regard and that they could use a hundred percent of it if they wanted to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. Senator Weaver, I hate to disagree with our distinguished Secretary of Transportation, but if my recollection is correct, in 1305 there was of the new money that was to be garnered twenty-five percent of that that was given to the communities, the respective communities, was to be set aside, it was a specific set-aside for the improvement and reconstruction of residential streets. There is some misinterpretation by adding maintenance and improvement to that section, because if you add the mainte-



nance to it then it would allow...in one interpretation it would allow the municipality therefore to provide what is maintenance which is under the old money of MPT...fuel tax funds, motor fuel tax funds. So, therefore, you would open up that set-aside for the same specific purpose. Now there's some variation in the...in the interpretation of it. I...I guess that's why we have as many attorneys as we have in the State of Illinois because they...there's plenty of business for interpretation and that's the question that's before us now, it's depending on how you're interpreting it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Jones for a first time.

SENATOR JONES:

Thank you, Mr. President. I rise up in support of the motion on this amendment. And not being one of the eloquent attorneys here in this Body, and I have to disagree with the Secretary of Transportation even though we do agree on many points. This is the reason why we changed the Motor...Fuel Tax Formula a few years ago, so that monies can be used on nonarterial streets, but not only in the City of Chicago but in other local units of government across this State. But when...when you change the word as far as maintenance is concerned, I...I don't see where there is any problem with that. Because on one hand one...one want's you to go out and improve a street but they don't want you to maintain it. This...this...this amendment will allow you to not only construct and improve a street but also repair if necessary. So it gives the local units of government some flexibility as it relate to the MPT funds and I support the spcnsor of the motion and members on this side of the aisle should support him, and I don't see where there is any confusion whatsoever on that motion.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion, Senator Zito for

a... (Machine cutoff).

END OF REEL

REEL #4

SENATOR ZITO:

Thank you, Mr. President and members. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Zito.

SENATOR ZITO:

Senator Becker, you may have indicated this or maybe Senator Joyce, but I'd like an answer. Is this...this amendment limited to the City of Chicago or the County of Cook?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

City of Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins, for a first time.

SENATOR COLLINS:

Yeah. I...I rise in support of the...the amendment also. I'm sure that all of us know that there is, in fact, a need for some support at the State level to repair streets and especially in the City of Chicago where all of the...the transportation occur, and, of course, there is, in fact, a...a shortage of revenue in the City of Chicago as well as all other places; but for the record, while I'm supporting this amendment, I want to make sure that in the record that whatever monies goes to the City of Chicago for repairing and maintenance of streets, nonarterial streets, that it in fact cover those streets on the west side regardless to one's political ideology.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator D'Arco, for a first time.

SENATOR D'ARCO:

Senator Becker, the question has been raised, why is it

only for Cook...for City of Chicago and...and why isn't it for Cook County as well as the City of Chicago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

This was a...the request of the City of Chicago. I received no other request from any other section of the State of Illinois, Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, okay...you know, I'm...I'm getting conflicting vibrations over here. But what the amendment...the amendment basically says then that the City of Chicago can use the motor fuel tax money to repair nonarterial streets as well as to construct nonarterial streets. I mean, basically, that's what the amendment says. Is that correct, Senator Becker?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

...that is basically correct, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey.

SENATOR COFFEY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Coffey.

SENATOR COFFEY:

Yes, Senator, does the city as well as all the other cities and villages in this State already receives a portion of the motor fuel tax for repair and maintenance of those highway systems now, do they not?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

This does...this does not change the formula at all, Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Well, it...it...it allows them...under the other...and under the present formula, a certain percent of the motor fuel tax goes to the city to be used for...repair and maintenance and Senator Jones is...is stating that we don't make them available money for repairs, and that...and you already have money for repairs. Now we're going to use construction money for repairs, which means we're going to be short of...construction dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Becker.

SENATOR BECKER:

Mr. President, Senator Coffey, I think it's the people in the press box, the people up there with the movie cameras who are putting headlines in the papers about the potholes, the disgrace of the condition of the streets, not only in the City of Chicago but in many other communities. I think the City of Chicago is being fair in coming to this General Assembly to ask for the right to maintain. They are using their sales tax money but it isn't enough. I made mention earlier, about an attorney by the name of Donald Carr, who just won a lawsuit against the City of Chicago for a million two hundred and fifty thousand dollars because a woman was driving down one of the arterial streets, hit a pothole, went over the curb and took this little girl's leg off right to the hip, a million two hundred and fifty thousand dollars. That could have been one of our children, and yet, the newspapers are telling us about the conditions of our streets. When something is brought to this General Assembly for your

approval, we may not have to take the abuse from the press and news media because we'll have the money to repair some of the potholes, not only in the City of Chicago but I assume in future years, when I'm not here, other counties and small cities will be coming back to this General Assembly for the same consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator...Senator Coffey.

SENATOR COFFEY:

Well, Mr. President and members of the Senate, it was only last year that I stood here on this Floor and argued the fact that we were taking monies away from local government and to the motor fuel tax distribution, saying at that time, for municipalities, counties and townships when we went from a sixty-four where the local governments got sixty...percent of the motor fuel tax to go to a seventy-thirty, where the locals has got only thirty percent of the new motor fuel tax is exactly what I argued last year when I said we are not allowing enough dollars for local government to be able to maintain the existing highway system. And that's the argument I had then, and now I hear them saying the same thing and now our locals don't have enough to repair and maintain their existing systems, and that's what I tried to say to you last year when everybody said, no, that the State needs it; now you're saying let's take the State money and use it and allow the City of Chicago and any other municipality to use that for maintenance. We ought to make up our mind what we're about to do in this General Assembly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you,...thank you, Mr. President. I think it...it might be somewhat evident that there is a...no question...at the present time, the money cannot be used that way. I'm

sure that the House and the staff and those who have proposed this amendment would not have gone to all the trouble to do this if they had already had the authority to do so. I don't believe that that's in there. I think this what they...what they're trying to do; if they already had it, I assure you, they would not be going through all this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, I agree, Senator Bupp. You know, there's a whole history of this...that's involved here and I don't quite understand it all. I do know this that the City of Chicago for the last five years, maybe four years, was using the money that we had sent them for specific purpose, they were misusing that, they were commingling that money; and we passed out of here a resolution for the auditor to investigate that, and he, in fact, did investigate that, and he, in fact, said that the monies were being commingled but that they were probably misinterpreting or applying a different interpretation to the Statute and that we should straighten it out some way, and I assume that it was then straightened out some way the city was going to stop doing it. I don't understand how all of this plays in. But I do know this that if they were allowed to do this now, they wouldn't be looking for this legislation, that these monies were specifically earmarked for a specific purpose, that we are not talking about reconstruction or new construction. We are talking about maintenance and repair, and that's a very different thing, and I ask my colleagues on the other side of the aisle to support me in this motion to nonconcur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce, the motion, in fact, will be in the...in the positive. Senator...further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. The previous speaker indicated that he doesn't understand it, and if he understand the motor...fuel tax formula, when we made the changes, wherein the local units of government could use a...a portion of those funds for nonarterial streets, when the City of Chicago and the other units of government received those funds, it's only for a certain amount of money. And when you use up that certain portion of money, you can no longer use any of the other motor fuel tax funds for nonarterial streets. This is the reason why the City of Chicago ran out of money as far as construction is concerned, on nonarterial streets. What this amendment does for the City of Chicago, unlike the rest of the State, is that we have a greater number of nonarterial streets in the city than we do highways, and for this reason, for this reason alone we need this amendment so that the funds can be used...more funds can be used for maintenance, construction and repair on nonarterial streets. But when the funds come in Senator Joyce, for...from the Motor Fuel Tax Fund for nonarterial street, it's only in a limited amount, only in a limited amount, Senator Coffey. So Chicago needs this, because we have greater number of residential streets than we do highways in the City of Chicago and...and arterial streets, and this is the reason why we need this...amendment; and I hate to rise for a second time but I hope everyone is clear on this issue and, again, I support Senator Becker's motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Two...two points. Number one, the House sponsor...Representative McGann was over here and told me, we nonconcur that's fine with him. Number two, you know, I...I admit that I don't completely understand it, Senator Jones. You tell me how much money we're talking about here. Stand



up and tell me how many dollars are involved in what we're talking about here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Becker may close.

SENATOR BECKER:

Ask for a vote,...Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Becker, the question is, shall the Senate concur in House Amendment 4 to Senate Bill 1853. 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 29, the Nays are no, 6 voting Present. The motion having failed to receive the required constitutional majority is declared lost and the Secretary shall so inform the House. 29 Ayes, 9 Nays and 6 Present. Senate Bill 1855, Senator Berman. Middle of page 13 is Senate Bill 1855...Senator Berman is recognized.

SENATOR BERMAN:

Thank you, Mr. President. I move to concur in House Amendment No. 2. The...the bill deals with the procedures involved in evaluation of special education children. The amendment...adopted in the House is in line with the...intent of the bill as it left the Senate. It adds the specifics of the...of the following: It spells out when the...the evaluation undertaken by the parents, if the evaluation by the school is not confirmed then the cost of that evaluation is...will be borne by the school; and, secondly, it provides that if there is a disagreement as to the placement and services to be rendered to the child, the child will not be changed until a multidisciplinary hearing...I'm sorry, until a due process hearing is proceeded with. Move the adoption of...move to concur in House Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

*SB 1855  
concur*

Any discussion? Any discussion? The question is, shall the Senate concur in House Amendment 2 to Senate Bill 1855. 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 54, the Nays are none, none voting Present. Senate Bill...Senate does concur in House Amendment 2 to Senate Bill 1855 and the bill having received the required constitutional majority is declared passed. 1857, Senator Darrow. Senator Darrow is recognized for a motion on Senate Bill 1857.

SENATOR DARROW:

Thank you, Mr. President. Senate Bill 1857 creates the Quad-Cities Civic Center and the Pekin Civic Center. An amendment was added in the House of Representatives to provide that...that funds go to the Rosemont Village Board for improvement to the O'Hare Exposition Center. I'd move to concur with their amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Darrow are you moving to concur with both House Amendments 1 and 3?

SENATOR DARROW:

Yes, all House amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Darrow, I have...the Calendar says, House Amendments 1 and 3...synopsis has 1, 2 and 3. Mr. Secretary, how many amendments are, in fact, on this bill? Beg your pardon, House Amendment No. 2 is Tabled. That is correct. Any discussion? Senator Philip.

SENATOR PHILIP:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR PHILIP:

Yeah. I'm a little confused of exactly what we're doing for the Rosemont Exposition Center,...am I led to believe that they're going to be able to take money out of the same place that McCormick Place does?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARBOW:

Amendment No. 1 amended...Metropolitan Civic Center Support Act to provide that the Rosemont Village Board of Trustees may receive support under that Act for the sole purpose of improving Rosemont Horizon. Then, Amendment No. 3 cleared that up as far as Rosemont Horizon, what that did is provides that Rosemont may receive funding for improvements to the O'Hare Exposition Center rather than the Rosemont Horizon. That's...so a combination of one...one and three is what I had mentioned earlier. So, there are three projects on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question? What are we talking about as far as money is concerned? I mean, how much money are we talking about and where is it going exactly?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARBOW:

Is your question directed toward...Rosemont?...because the Quad-Cities Civic Center and the Pekin Civic Center, all we have there are authorities being created. There's no dollar amounts going to them whatsoever. I'd...yield to Senator Zito with regard to Rosemont. He's the authority on that aspect.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Yeah. Would...would Senator Zito, please, let me know how much money is going to Rosemont and where is it coming from?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, Senator Fawell and members, the...the first amendment that was put on for was...was for the Rosemont Horizon. We were ill-advised and that, in fact, is not a convention center. The...Amendment No. 3, I believe, changes that to the O'Hare Expo. Center, and what it says is that it makes them eligible for money. There's no dollar figure provided at this time. We're making them eligible like any other civic center or exposition center in the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Then you're not talking about the cigarette tax at 4.8 million dollars we just gave to McCormick Place? Are you talking about the fact that now Cook County civic centers can be funded out of the same fund like all the other civic centers downstate? Is that what you're saying?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

No, ma'am. You're completely wrong. This...this makes them eligible for race track money. It's...has nothing to do with the cigarette tax or any other special taxes for McCormick Place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Okay. Then...then that...you know, the downstate exhibi-

tion halls and civic centers do not receive any of the cigarette money either. That 4.8 million dollars we take out of cigarette tax money just goes to McCormick Place. All other civic centers are financed out of...out of race track funds. McCormick Place only takes 1.6 million dollars out of race track funds every year, according to the Comptroller this year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further...Senator Zito.

SENATOR ZITO:

Well, just to clarify it again. You're...that's absolutely correct. We are asking to be added to the eligibility list, for the race track money has nothing to do with the cigarette tax or McCormick Place. We're just asking for eligibility.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

What is the O'Hare Expo. Center?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch, to whom are you addressing your question?

SENATOR NETSCH:

I guess it would have to be to Senator Zito since he is the author of this part of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President. The O'Hare...excuse me. The O'Hare Expo. Center is an exhibition center that was created several years ago and it holds conventions and other things. It's close...it's in Rosemont, close to the Hyatt Hotel and some of the other hotels there. It has been an...exposition center for a good number of years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Is it one...is it private or public? Was it built with private or public funds? I...I guess what we're trying to determine is whether it is exactly comparable to the publicly funded centers, whether it's McCormick Place or a downstate civic center, hat are otherwise eligible for the...horse racing funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

My understanding is that the O'Hare Exposition Center qualifies for these funds and we had to by name add them so that they would in fact be eligible. It's my complete understanding that the only reason they weren't eligible was because we have not added them, but they...it's...it's exactly in conformance with the other ones that do receive the money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Who built O'Hare Expo. that is, built and financed it? Do you...can you answer that question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

To the best of my knowledge, it was..built by the public, by the Village of Rosemont, I believe.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch, have you...Senator Netsch.

SENATOR NETSCH;

Well, that's really, I think, what some of us were trying to find out. I...I've heard its name. I've never been there

and I didn't quite know where it came from. It obviously did not spring full grown from Zeus' head, but it was the Village of Rosemont that built it as other downstate communities built their civic centers. Is that a fair statement?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell for a second time.

SENATOR FAWELL:

I...I apologize for rising a second time but, Senator Zito, unless it is in this bill that...that Rosemont is specifically eligible for these funds, let me tell you, all of Cook County except for the Metropolitan Fair and Exhibition Hall, commonly known as McCormick, has been cut out years ago from this funding, and I think you should be aware of that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Darrow may close.

SENATOR DARROW:

Thank you, Mr. President. When this bill left the House...or left the Senate we had two provisions in, one for Quad-Cities and one for Pekin. The Rosemont Village Board provision was added over in the House. I also represent the Village of Aledo which we had in...in another bill. We did not want to put that in this bill because we tried to keep this bill as clean as possible so that the Governor would sign it. There were a number of other provisions and it was our intention to avoid putting any additional amendments or any additional provisions, such as for a jet fuel tax or anything else, to clutter it up. This is an important...project for my community, for Senator Zito's and for Senator Luft's community, and I'd appreciate an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The...the question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 1857. 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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Concurrence

who wish? Take the record. On that question, the Ayes are 51, the Nays are 6, 1 voting Present. The Senate does concur in House Amendments 1 and 3 to Senate Bill 1857 and the bill having received the required constitutional majority is declared passed. 1859, Senator Macdonald. Senator Macdonald is recognized for a motion on Senate Bill 1859.

SENATOR MACDONALD:

Thank you, Mr. President. I move to concur in House Amendment 1 and 2 to Senate Bill 1859. This was the bill that we passed out of here to clarify our water commissions and water agencies because of the Supreme Court decision that affected the State of Washington. Chapman and Cutler has no problems at all with the clarifying language in Amendment No. 1, which removes the language that authorizes the municipal...the municipality to include any provision, terms or conditions it may desire in the contract for a supply of water. It rewrites, allowing the contract to contain provisions whereby the municipality is obliged to pay for the supply of water. The second amendment was put on...as an amendment by Representative Hoffman and applies only to DuPage County, and I would defer to Senator Philip to further explain that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What Amendment No. 2 does is creates a DuPage County Water Commission, and basically what it does is change...only changes how the members are appointed. It would...provide for an eleven-member board, one pointed at large at the chairman...from the chairman of the county board, five from the...mayors and managers and village presence, one from each county board district, making up a total eleven. This legislation would leave intact all contracts, debts, obligation



incurred by the currently constituted commission. Now every contract they have with the City of Chicago would still be in effect. I want to make sure to get that in record because the water commission has negotiated in good faith. The city is happy, the county board is happy. All we're doing is simply changing how we make the appointments to the DuPage County Water Commission. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further...further discussion? Alright. The question is, shall the Senate concur in House Amendment 1...House Amendments 1 and 2 to Senate Bill 1859. 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, 1 voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1859 and the bill having received the required constitutional majority is declared passed. 1866. Senator Schaffer is recognized for a motion.

SENATOR SCHAFFER:

Mr. President, this is a...a bill we sent out amending the Public Aid Act to eliminate some references to the aid to medically indigent program that were no longer germane. The amendment that came back is, I believe, not controversial and approved by the department, and I think everyone can concur in it, and it adds some language which changes the provisions of the Public Aid Code that relate to the Local Initiative Fund. It's an administration amendment and it simplifies the procedure for the local governments for donated...the donated funds initiative, implements some new Federal regulations. It also allows for donated funds to be paid in payment of kind, not just...for twenty-five percent of the local governments which must receive the seventy-five percent of the State Matching Funds. I don't know of any controversy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? The question is, shall the Senate concur with House Amendment 2 to Senate Bill 1866. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendment 2, Senate Bill 1866 and the bill having received the required constitutional majority is declared passed. Senate Bill 1876, Senator Weaver. Senator Weaver is recognized for a motion on Senate Bill...no. Take it out of the record. Senate Bill 1879, Senator Schaffer. Senator Schaffer is recognized on Senate Bill 1879 for a motion.

SENATOR SCHAFFER:

This bill left the Senate, it was simply a bill to redefine parental financial responsibility in the Public Aid Code. When it got to the House, it had amended onto it Senate Bill 1429 which failed to clear the House Rules Committee for some reason. That particular bill raised the amount of...for funeral expenses paid to funeral directors by some two hundred dollars. In addition, the House chose to add another...let's see...hundred dollars for the burial expense for the cemeteries. I would suggest we concur in this amendment before someone decides to bring the florists into the Act, and it's an additional million...1.1 million over the bill as introduced. I think it's a reasonable thing. There hasn't been any increase in either of these areas in a long time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1879. 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, 1 voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1879 and the bill having...received the required constitutional majority is declared passed. Senate Bill 1881, Senator Weaver. Senator Weaver is recognized for a motion.

SENATOR WEAVER:

Thank you, Mr. President. I would...move that the Senate concur in House Amendment No. 3. This puts an immediate effective date on the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator...Senator Weaver moves to concur with Amendment No. 3. Is there any discussion? Senator Rock.

SENATOR ROCK:

This was the one...question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rock.

SENATOR ROCK:

This was the one that Senator Hall, and I don't see him on the Floor, was concerned about. Did they change that provision at all?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

I had no concern from Senator Hall, Senator Rock, I intend to nonconcur with No. 1 and go to Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? So then, Senator Weaver, it is your pleasure to...to move in the affirmative on...on Amendment...House Amendment No. 3. Senator Weaver. Alright. The question is, shall the Senate concur in House Amendment 3 to Senate Bill 1881. 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 54, the Nays are none, none voting present. The Senate does concur in House Amendment 3. Senator Weaver.

SENATOR WEAVER:

I would now move that we nonconcur in House Amendment No. 1 to Senate Bill 1881.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Weaver moves to nonconcur with House Amendment 1 to Senate Bill 1881. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Page 14, Senate Bill 1883, Senator Schaffer. 1887, Senator Jeremiah Joyce. On page 14 is Senate Bill 1887, on the Order of Secretary's Desk Concurrence. Senator Jeremiah Joyce is recognized for a motion.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I move the Senate do concur in House Amendment No. 1 to Senate Bill 1887.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate concur on House Amendment 1 to Senate Bill 1887. 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...on that question, the...the Yeas are 57, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1887 and the bill having received the required constitutional majority is declared passed. 1896, Senator Holmberg. Senator Holmberg is recognized for a motion on Senate Bill 1896.

SENATOR HOLMBERG:

This is the Illinois Disabled Persons Identification Card. I wish to concur with House Amendments 1 and 2. Basically, House Amendment No. 1 has been agreed to by the Attorney General's Office, the Secretary of State and mental health groups. It defines a Type 5 mental health disability. It corrects designations on the card for use in particular situations and it deletes the reference of blindness as a Class 2 disability. House Amendment No. 2 is a combined effort of the Secretary of State and the Attorney General, and absolves the Secretary of State from liability for medical information on a card. I ask for concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 1896. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 1896 and the bill having received the required constitutional majority is declared passed. 1911, Senator Luft. Senator Luft is recognized for a motion on Senate Bill 1911.

SENATOR LUFT:

Thank you, Mr. President. I would move to nonconcur in House Amendment No. 1 to Senate Bill 1911. The bill was designed to set priorities among claimants of assets on currency exchanges, and within the bill it set forth the disposition of those assets. House Amendment No. 1 included as an asset Illinois license plates and vehicle stickers; however, they rank them in priority as third. Most people now feel that's been a mistake. I'd like to send this to a Conference Committee and have that reprioritized. So I'd move that we nonconcur in Amendment No. 1 to Senate Bill

1911.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Luft moves to nonconcur in House Amendment 1 to Senate Bill 1911. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The...the motion carries and the Secretary shall so inform the House...Senate Bill 1925, Senator Bloom. Senator Eloom on the Floor? Senator Bloom is recognized.

SENATOR BLOOM:

Thank you. I'm at somewhat of a handicap in that our handlers haven't given me the bill. I do know that there are several amendments on it and I...my desire is to concur in them. Basically, this is...whoop, Mr. President, perhaps we can short-circuit this. The President has something to suggest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

This has, at least for the moment, the appearance of a Christmas tree. I wonder if we could hold onto this one for a minute.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Take it out of the record. Senate Bill 1928. Senator DeAngelis is recognized for a motion.

SENATOR DeANGELIS:

Mr. President, I move that the Senate nonconcur with House Amendments No. 1 and No. 2 to Senate Bill 1928.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Nonconcur, Senator DeAngelis? I didn't hear you...

SENATOR DeANGELIS:

Nonconcur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any discussion? Senator...Senator Keats. Senator Keats.

SENATOR KEATS:

What are they?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, the bill originally called for the indemnification to be done by the Central Management Services. The Senate Appropriations Committee would still like to have that amount come back to the Senate. The House chose not to do it. So, we're going to have to work it out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis moves to nonconcur with House Amendments 1 and 2 to Senate Bill 1928. Those in favor say Aye. All...Senator Grotberg, for what purpose do you arise?

SENATOR GROTBERG:

Thank you. I don't want to slow down the proceedings, but, Mr. Sponsor DeAngelis...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Grotberg.

SENATOR GROTBERG:

Only to verify that the idemnification of school trustees is tied into this, some of us have grown old trying to find a vehicle to put it in place. Is that one of the ones that's up for grabs?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

No, the Senate did that. That's not...the House amendments want to bypass some procedure when it comes to the settlement of these claims.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? Alright. Senator DeAngelis moves to nonconcur in House Amendments 1 and 2 to

Senate Bill 1928. All those in favor signify by saying Aye. Opposed Nay. The motion carries and the Secretary shall so inform the House. Senate Bill 1929. Senator Barkhausen is recognized for a motion.

SENATOR BARKHAUSEN:

Mr. President and members, I would move that the Senate concur in House Amendment No. 1 to Senate Bill 1929. The original bill dealt with the Unclaimed Property Act, and the House added an additional amendment to it which is sought by the Savings and Loan League and which is identical to a House bill of last year that got bottled up in the Senate Finance Committee because it contained some objectionable language that this amendment does not contain. The House amendment adds a new section to the Unclaimed Property Act which provides that no deposit except savings, checking now and money market accounts shall be presumed abandoned if the financial institution has rolled over...extended the account's maturity date once, as requested in writing by the customer. These deposits would not be considered abandoned until seven years after the final maturity date. I don't believe, this is at all controversial, and I would ask concurrence in this House amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1929. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Senator Vadalabene. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1929 and the bill having received the required constitutional majority is declared passed. Senate Bill 1935, Senator Marovitz. Senator Marovitz on the Floor? Senate Bill 1939. Senator Jerome Joyce is recognized for a motion on Senate



Bill 1939.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I refuse to concur with Senate Bill 1939. It doesn't hardly look like the bill we started out with, so I would like a Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce moves to nonconcur with House Amendments 1 and 2 to Senate Bill 1939. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senate Bill...skip that one for a moment. Senate Bill 1941, Senator Holmberg. Top of page 15. Senate Bill 1943, Senator Welch. Senate Bill 1945. Senator Luft is recognized for a motion on Senate Bill 1945.

SENATOR LUFT:

Thank you, Mr. President. I move that we do concur in House Amendments No. 1 and 2 to Senate Bill 1945. The bill as it left here dealt with EPA permits for owners and operators of treatment, storage and disposal facilities. What the amendments deal with; number one, is a phase two vapor recovery system. For those of you not acquainted with the definition of a phase two vapor recovery system, it's a device which is placed on gas pumps to collect fumes. There is no Federal laws pertaining to vapor recovery systems, so what the bill does is simply say that the...or the amendment, I'm sorry, simply says that the Pollution Control Board shall not adopt any regulation requiring the use of phase two vapor recovery systems at gasoline dispensing facilities until the US Environmental Protection Agency has determined that the use of such system is required for compliance with the Federal Clean Air Acts. Amendment 2 is a very simple amendment that changes the word "multiple" to more than one, and I would move that the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1945.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Any discussion? The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1945. 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 56, the Nays are none, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1945 and the bill having...having received the required constitutional majority is declared passed. 1946, Senator Luft. 1949, Senator Holmberg. Senate Bill 1949. Senator Holmberg is recognized for a motion.

SENATOR HOLMBERG:

This is the hazardous waste technology exchange service, and I wish to concur with House Amendment No. 1 which is strictly a technical...no House Amendment No. 2 which is strictly a technical correction and it makes the reference to hazardous waste consistent throughout the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg, according to the Calendar, it would be House Amendment No. 1.

SENATOR HOLMBERG:

Typographical error on my analysis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1949. 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. The Senate does concur in House Amendment 1 and the bill...to Senate Bill 1949 and the bill having received the required constitutional majority is declared

passed. Senate Bill 1950, Senator Welch. Senator Welch is recognized for a motion.

SENATOR WELCH:

Thank you, Mr. President. I would move to concur in House Amendments No. 2 and 3. What these amendments do, the bill originally provided for attorney's fees for the Attorney General in cases in which he prevailed. What the House amendments added to that was that where the state's attorney prevails, he can collect fees and those fees go to the county. House Amendment No. 3, it's the same as the House Amendment No. 1 but corrected page references, and that amendment itself provided for the county retaining the fees. So that has been the only major change from the bill we initially passed last week.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? The question is, shall the Senate concur with House Amendments 2 and 3 to Senate Bill 1950. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur with House Amendments 2 and 3 to Senate Bill 1950 and the bill having received the required constitutional majority is declared passed. 1951, Senator Welch. Senator Welch is recognized with respect to a motion on Senate Bill 1951.

SENATOR WELCH:

Thank you, Mr. President. I would move that we concur with House Amendment No. 1. What this amendment did to the bill we originally had was state that instead of studying a category of nonhazardous special waste with reference to...we are now going to study it with reference to a degree of hazard approach as to a different type of approach we initially passed out. So it's a slight change only with a

different reference for the Department of Energy and Natural Resources to base their study or guide their study towards as to what to do with categories of special waste, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? The question is, shall the Senate concur with House Amendment 1 to Senate Bill 1951. 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. The Senate does concur with House Amendment 1 to Senate Bill 1951 and the bill having received the required constitutional majority is declared passed. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Thank you. I wonder if I might have leave to go back to...Senate Bill 1459. I took it out of the record at Senator Rock's request so that we could simply check with Representative Ewing, who was the House sponsor of the House amendment. He has since explained the genesis of the amendment, and I don't think there's going to be any objection to it. If I might proceed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, we'll return to page 10 to Senate Bill 1459. Senator Netsch is recognized for a motion.

SENATOR NETSCH:

I would move that the Senate concur in House Amendment No. 1 to Senate Bill 1459. As I previously explained, the basic bill was a request of the Treasurer's Office, a very simple bill that simply dealt with the time for measuring the beginning of interest payments. The amendment which was Representative Ewing's in the House has to do with the so-called special use valuation election under Section 2032-A

of the Internal Revenue Code. It allows parents when their interests are not adverse to a minor child to make the election on the child's behalf. I gather it arises most frequently when there is a life estate with remainder interest in the children who are obviously not of majority age and not able to sign. The practice has been for the parents to...to make this election on their behalf in many downstate communities, suddenly...shortly ago, IRS began to say that no you can't do it that way, you must go to court and get a guardian appointed and so forth, which obviously is expensive and time consuming, and the bill addresses that problem. It deals only with the special use valuation election under Section 2032-A of the Internal Revenue Code. I would move that the Senate concur in House Amendment No. 1 to Senate Bill 1459.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? The question is, shall the Senate concur on...in House Amendment 1 to Senate Bill 1459. 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 55, the Nays are none, none voting Present. The Senate does concur in House Amendment 1 to Senate Bill 1459 and the bill having received the required constitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose Senator Degnan arise?

SENATOR DEGNAN:

Thank you. While we have a lull, I'd like to change sponsorship on Senate Bill 1714 to read Jeremiah Joyce-Geo-Karis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. On page 15 on the Order of Secretary's Desk Nonconcurrency, House Bill 243, Senator Vadalatene.

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END OF REEL

REEL #5

PRESIDING OFFICER: (SENATOR SAVICKAS)

House Bill 877, Senator Bruce. House Bill 1474, Senator Sangmeister. Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This is on nonconcurrency which means that the House obviously did not accept our amendments. So, my motion at this time would be that we not recede from Senate Amendment No. 1 to House Bill 1474, and ask for a Conference Committee to be appointed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister moves to nonconcur in House Amendment No. 1 to House Bill...to Senate Bill...oh, to House Bill...1474. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Oh, I'm sorry. Senator Sangmeister's motion was to...that the Senate refuse to recede from the adoption of Amendment No. 1 to House Bill 1474 and that a Conference Committee be appointed. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. House Bill...Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Yes, thank you. Before we go on to that piece of business, I'd rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State...state your point.

SENATOR BLOOM:

Seated in the President's Gallery is the person who runs

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Recess

our legislative office back in the district and handles...handles all the constituents, outraged and enraged, and sends them away happy, and that's Peggy Allison who's down here to observe the...proceedings. I wonder if she could be recognized.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would our guest in the gallery please rise and be recognized. On the Order of House Bill...Nonconcurrence House Bill 1704, Senator Davidson. House Bill...House Bill 2211, Senator Degnan. Senator Degnan.

SENATOR DEGNAN:

Thank...thank you, Mr. President. I move the Senate recede from Senate Amendment No. 5, House Bill 2211. Amendment No. 5...House Bill 2211 was the Chop Shop Act. As it comes back from the House it includes Senator Keats' amendment, Senator Bloom's amendment, does not include my amendment that had to do with the notice provided people who fail to return a vehicle and the penalties therein. The House in its infinite wisdom did not think this appropriate. I tend to agree and I move we recede from Senate Amendment No. 5.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Darrow.

SENATOR DARROW:

At the...would the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR DARROW:

At the present time, does this have the language in it that was worked out with the rebuilding people that...in committee?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Yes, that was accommodated with the other Senate amend-



ment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR GROTBERG:

Senator, it was brought to my attention this morning, several people working and worried about this bill and I think one of them was a major parts reworker....okay, one who..who rebuilds, and my question is, are all of those requirements in here about labeling...or numbering everything you do and where everything came from? That was the guts of the bill, wasn't it? I know...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

It...correct. That's the guts of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

I know it was their hope that you would refuse to recede and that some kind of a conference could be had to address that particular special interest who is a straight operator and several of them in my district, but by this Act, we'd put everybody in the same fold. Is that correct, Senator?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Well, that's about correct, but I would call your attention to the fact that the House passed the chop shop legislation out 91 to 10. We voted on the bill several days ago 44 to 10. This is a result of a one-year effort by the co-

ordinated council...Coordinating Council Against Organized Theft which includes the Department of Law Enforcement, all the state's attorneys, the Secretary of State, Insurance Department, everyone is in agreement on the...all of what's in the bill itself.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotherg.

SENATOR GROTBERG:

Then one further question, you did not include the automotive parts people in that agreed statement you just made. Are they on board or are they...are they the frustrated losers?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Well, I think there are probably several people throughout the State that are still frustrated losers. We have done as best we could do to accommodate the processors, the recyclers, and this is it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I don't how you left it, Senator Grotherg, but I feel...I would hope that we would refuse to recede from this amendment and put it into a Conference Committee. Again, I have no problem with what you're trying to do, but we do have some reservations with some other parts of the bill that we would hope to be able to take care of in a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

I would rise just to support Senator Degnan's position. It...the bill is not without controversy but when you're

dealing with chop shops, I mean, you have to be realistic. You are never going to get a bill that has a hundred and one percent of the people happy a hundred and one percent of the time. We're dealing with a massive underground industry and we have got to do something, and I...I've talked to Tim on it and I'm...I'm aware there's a problem or two, but if don't get this bill out of here, we're just going to end up burying the thing by action in a Conference Committee which is not a benefit. We have got to do something about chop shops. I...I don't doubt that there's anyone...in here who hasn't had a friend lose a car one way or the other. Until we get some major verification ability, we're hung and I'm not sure we can ever make everyone happy. So, I...I would ask you to support Senator Degnan's position.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate recede from Amendment No. 5 to House Bill 2211. 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 10, none voting Present. The Senate recedes from Amendment No. 5 to House Bill 2211 and the bill having...having received the constitutional majority is declared passed. House Bill 2355, Senator Bloom. Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. Senator Becker, this is our bill. The House has refused to concur with our Amendment No. 2. Originally, I consulted with the sponsor of the amendment, Senator Becker and were prepared to go to war; however, Senator Becker informs me now that we can fight another day, and so if that is the case, then I would move we recede from our second amendment. And I was with you, Leo, too. I'm prepared to go to war with you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there...is there discussion?

SENATOR BLOOM:

Amendment No. 2, they didn't...I would move we recede from that. I...I...I trust the House accepted...

PRESIDING OFFICER: (SENATOR SAVICKAS)

I understand, Senator. I asked if there was discussion.

SENATOR BLOOM:

Okay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall the Senate recede from Amendment No. 2 to House Bill 2355. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, none voting Present. The Senate recedes from Amendment No. 2 to House Bill 2355 and the bill having received the constitutional...required constitutional majority is declared passed. Senator Bloom.

SENATOR BLOOM:

I have a question. I noted on the Calendar it looks like the House nonconcurred in 1, too, at least on the pink printout, so I suppose we should refuse to recede from our Amendment No. 1. I don't know. Maybe this is an error. I don't want to slow the proceeding down, but I don't want to have to do some kind of cleanup work later.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I have been informed by the Secretary that the only action we can take now is to check the Message that was sent over by the House and go from there. House Bill 2400, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I move the Senate not recede from Senate Amendment No. 1 to House Bill 2400 and that a...Committee of Conference be called on House Bill 2400.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator LeAngelis moves that the Senate refuse to recede from Amendment...Senate Amendment No. 1 to House Bill 2400 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. And those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Elcom, for your information, the House concurred in Amendment No. 1 and refused to concur in Amendment No. 2. House Bill 2458, Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I refuse to recede from House Amendments No...No. 1 to House Bill 2458 and would request a Conference Committee to be formed and so moved.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 2458 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The motion carries and the Secretary shall so inform the House. House Bill 2513, Senator Etheredge. House Bill 2542, Senator Barkhausen. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I would move to recede from Senate Amendments 1, 2 3 and 4 to this bill. The bill which was...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, we only have...Senate Amendments 1, 2 and 3.

SENATOR BARKHAUSEN:

Well, in that case, 1, 2 and 3, Mr. President, I would move to recede from them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rock.

SENATOR BOCK:

Well, I...I think, yes, is the answer, there ought to be. The Senate saw fit to put three amendments on this bill and pass it over in that form and now we're being asked to recede. I...why are we doing that and...and what does the bill absent the amendments, in fact, accomplish?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, I...Senator Bock, I had agreed to the amendments and had no problem with any of them so long as it didn't affect the...the status of the basic bill which would without the amendments. You may remember some discussion about disconnection petitions were...wherein a court is required to consider a number of factors in ruling upon an attempt by landowners to disconnect from a municipality, and this bill would add to the factors that a court is required to consider the factor that the...the municipality would have to have imposed property taxes in three of the previous five years. That's what the bill without the amendment does. Amendment No. 1 is something that I had wanted for my district, so I'm agreeing to recede from that and there are other amendments here. There are, by the way, I am...I am told by staff and by members, there are certainly other bills kicking around still in the late hours here that deal with the Municipal Code, and if anybody is keenly interested in...in other amendments, I think that there are vehicles available, but I had agreed to the amendments on the condition that they wouldn't affect the original bill which was completely noncontroversial until...until the late stages here when some problems seemed to have been raised, and so that is the reason for my motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bock.

SENATOR BOCK:

Well, I don't have any objection. I was attempting to be protective of Senators DeAngelis and Savickas and Barkhausen who put these amendments on and I'm...it just surprises me that the House would not accept to such obviously good amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate recede from Amendments No. 1, 2 and 3 to House Bill 2542. 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 51, the Nays are 1, none voting Present. House Bill 2542 having received...having received the constitutional required majority is declared passed. House Bill 2570, Senator Hudson. Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move not to recede from Senate Amendments 1 and 2. Those were amendments agreed to by Representative...or Senators Zito and Nedza and the House sponsor and myself and that's where we are and would request a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson moves that the Senate refuse to recede from the adoption of Amendments No. 1 and 2 to House Bill 2570 and that a Conference Committee be appointed. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. House Bill 2576, Senator Lemke. Senator Lemke.

SENATOR LEMKE:

I move to refuse to recede from Senate Amendment No. 1 and ask for a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke moves that the Senate refuse to recede from the adoption of Amendment No. 1...Senate Amendment No. 1 to House Bill 2576 and that a Conference Committee be appointed.

HB 2732  
Receded

Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. House Bill 2657, Senator Sommer. Senator Sommer.

SENATOR SOMMER:

Mr. President, I move to refuse to recede and ask for a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer moves that the Senate refuse to recede from the adoption of Amendment No. 1...Senate Amendment No. 1 to House Bill 2657 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The motion carries and the Secretary shall so inform the House. House Bill 2693, Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

Yes, this is a bill from the Auditing Commission. I am told that it...there's some language technicalities that should go to a Conference Committee; therefore, I...move that we refuse to recede from Senate Amendment No. 1 and request a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 2693 and that a Conference Committee be appointed. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. House Bill 2732, Senator Lemke.

SENATOR LEMKE:

I move to recede from Senate Amendment No. 5 to House Bill 2732. This is a bill we passed on House bill for Terry Bruce in regards to Mt. Vernon and this is also a...we passed another bill that increased the bonding authority, so we...this amendment is not needed and I move to recede.



PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? The question is, shall the Senate recede from Amendment No. 5 to House Bill 2732. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all who voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 5, 1 voting Present. The Senate recedes from Amendment No. 5 to House Bill 2732 and the bill having received the required constitutional majority is declared passed. House Bill 2740, Senator Lemke. Senator Lemke.

SENATOR LEMKE:

I move to refuse to recede from Senate Amendments No. 1 which was put on...by Senator Holmberg, Senate Amendment No. 2 which was put on by Senator Philip and Senate Amendment No. 3 which was put on by Senator Davidson. I would move to...to refuse to recede and ask for a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke moves that the Senate refuse to recede from the adoption of Senate Amendments 1, 2 and 3 to House Bill 2740 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The motion carries and the Secretary shall so inform the House. House Bill 2810, Senator Joyce. House Bill 2837, Senator Rock. House Bill 2876, Senator Joyce. House Bill 2892, Senator Bruce. House Bill 2917, Senator Jerome Joyce. House Bill 2953, Senator Darrow. Senator Darrow. Senator Darrow.

SENATOR DARROW:

I would...I would move that the Senate not...let's see, what are we doing...that the Senate not recede and that a Conference Committee be called...refuse to recede.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'm sorry, Senator Darrow, what...what was your motion?

SENATOR DARROW:

Not to recede and that a Conference Committee be called.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Grothberg. Senator Darrow moves that the Senate refuse to recede from the adoption of amendments...Senate Amendments No. 2 and 3 to Ecuse Bill 2953 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Zito, for what purpose do you arise?

SENATOR ZITO:

...thank you, Mr. President. For the...for record, I was caught in the moment on House Bill 2732 and voted Present. Had I have had my wits about me, I would have voted Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHEBERG:

Thank you, Mr. President. Will there be a Supplemental Calendar or are you going to move without benefit of a Calendar on refusal to recede and nonconcurrency motions?

PRESIDING OFFICER: (SENATOR SAVICKAS)

At the present time, all we have on the Supplemental Calendar are appropriation bills.

SENATOR GROTHEBERG:

I have a motion to refuse to recede.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, the Messages aren't read in and they haven't been...officially sent over from the House. House Bill 2987, Senator Bruce. House Bill...3177, Senator Jerome Joyce. For what purpose Senator Demuzio arise?

SENATOR DEMUZIO:

Well, Mr. President, having concluded this order of business on the Calendar, I would like to move that the Senate go to page 7 to specifically take up House Joint Resolution 123 which is the appointment of Robert Cronson as the Auditor General for the State of Illinois, and I would respectfully

make that motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion by Senator Demuzio to go to Special Order of Business on the Secretary's Desk to hear resolution...House Joint Resolution 123. Is leave granted? Leave is granted. On the Order of Secretary's Desk Resolutions, House Joint Resolution 123. Senator Demuzio moves for the adoption of House Joint Resolution 123. Those in favor will indicate by voting Aye. Those opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On...on that question, the Ayes are 51, the Nays are none, none voting Present. House Joint Resolution having received the constitutional majority is declared adopted. For what purpose does Senator Nedza arise?

SENATOR NEDZA:

Yes, Mr. President, I'd like to...if it's proper at this time, I'd like to have on page 3, House Bill 1918 rereferred back to the Committee on Transportation and on page 19, House Bill 2753 rereferred back to the Committee on Local Government...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Wait, Senator, wait. Let's go one at a time. On page 3 on the Order of Senate Bills 3rd Reading, Senate Bill 1913...1918. Senator Nedza moves that this bill be rereferred back...recommitted back to the Committee on Transportation. Is leave granted? Leave is granted.

SENATOR NEDZA:

Now, Mr. President, I would also ask for leave to commit House Bill 2753, which is located at the bottom of page 19, rerefer that back to the Committee on Local Government.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion on the...the recommitment of House Bill...

SENATOR NEDZA:

*SB 1747  
concurrency*

2753.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...2753. Is leave granted? Leave is granted. Any further bills, Senator Nedza?

SENATOR NEDZA:

Yes, Mr. President, on page 20...at the top of page 20, House Bill 3050, rerefer that back to Financial Institutions...Committee on Financial Institutions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion, by Senator Nedza to recommit House Bill 3050 back to the Committee on Financial Institutions. Is leave granted? Leave is granted. Senator Schaffer, for what purpose do you arise?

SENATOR SCHAFFER:

While we're on that order of business, on page 19 is Senate Bill 1135. I'd ask leave to refer that back to the Senate Public Health, Welfare and Corrections Committee. Clean up the Calendar a little bit.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted.

PRESIDENT:

Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Before...Mr. President, before we go to the Supplemental Calendar, I'd like to ask leave for us to go back to the regular Calendar on concurrency so we can take Senate Bill 1747...Senator Berman and I have our signals straight and we're now ready to concur in those amendments, if that's in order.

PRESIDENT:

All right, you've heard the request. Is leave granted? Leave is granted. On the Order of Secretary's Desk Concurrence is Senate Bill 1747...on the Order of Secretary's Desk

Concurrence, Senate Bill 1747 with House Amendments 1, 3 and 4. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I move that we concur in House Amendments 1, 3 and 4 to Senate Bill 1747. Amendment No. 1 provides supplemental State aid due to the new created school districts where they're combined together will be based on the combined district's audit fund balance including the district's working cash fund balance. The third amendment has to do with enterprise zones and it says that, "shall have their EAV recomputed according to the State's...school district's statutory maximum tax rate." This is so no district would be penalized by dropping below the maximum amount if an enterprise district was set up after they've...part this would not penalize the school district. And the fourth amendment was for the Chicago Board of Education...ensures that the members of the Chicago Board of Education must document actual expenditures occurred during performance of their official duties in order to receive reimbursement on the expenses. The documentation must be submitted to and approved by the board president. I move that we can concur in Amendment 1, 3 and 4.

PRESIDENT:

All right, Senator Davidson has moved concurrence in...in House Amendments 1, 3 and 4 to Senate Bill 1747. Discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendments 1, 3 and 4 to Senate Bill 1747. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there were 52 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1, 3 and 4 to Senate Bill 1747 and the bill having received the required constitutional majority is declared passed. All

right, we will go to the Supplemental Calendar. I understand the appropriations people have been meeting. If they're...are any ready to move, we'll move them, then we will go back to the regular Calendar and go through concurrence once more, and then we'll go to...all right, Messages from the House.

SECRETARY:

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

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

House Bill 2350.

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

Mr. President - I am directed to inform the Senate the House of Representatives has refused to concur in the adoption of their amendment to a bill with the following title:

House Bill 598 with Senate Amendment No. 1.

I have like Messages on House Bill 1658 with Senate Amendment No. 1.

House Bill 3057, Senate Amendment No. 1.

3060, Senate Amendment Nos...Amendments Nos. 1, 2 and 3.

3093, Senate Amendments 1 and 2.

3102 with Senate Amendment 1.

2381 with Senate Amendment 1.

3036 with Senate Amendments 1 and 2.

3128 with Senate Amendments 1 and 2.

3136 with Senate Amendment 1.

And 3255 with Senate Amendment 1.

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

Mr. President - I am directed to inform the Senate the House of Representatives has concurred with the Senate in the passage of a bill with the following title:

Senate Bill 1629 together with House Amendments  
1, 2, 3, 4 and 5.

PRESIDENT:

All right, on Supplemental No. 1, I've...Supplemental No.  
1. I understand that pages 1 and 2 contain appropriation  
bills and the Senators Carroll and Sommer have requested that  
those be held and will show up on tomorrow's Calendar. Is  
that correct?

SECRETARY:

Okay.

PRESIDENT:

How about on page 3, Secretary's Desk Nonconurrence,  
Senator Grothberg. Page 3 on the supplemental, Senator  
Grothberg, is House Bill 2857 with Senate Amendment No. 1.  
Senator Schuneman is then next...you've got one on there too.  
SENATOR GROTHEBERG:

Thank you, Mr. President. I move that the Senate refuse  
to recede from Senate Amendment No. 1 to House Bill 2857,  
that a Conference Committee be appointed.

PRESIDENT:

All right, Senator Grothberg has moved that the Senate  
refuse to recede from Senate Amendment No. 1 to House Bill  
2857, that a Conference Committee be appointed. All in favor  
of the motion...any discussion? All in favor of the motion  
indicate by saying Aye. All opposed. The Ayes have it. The  
motion carries and the Secretary shall so inform the House.  
Senator Schuneman on 2952 with Senate Amendment No. 1.

SENATOR SCHUNEMAN:

Thank you, Mr. President. On Senate...or on House Bill  
2952 the House refused to concur with the Senate amendment  
which dealt with the oath of office for precinct committe-  
men. That bill...or that provision, I understand, is con-  
tained in at least one other bill and, therefore, really is  
no need for us to insist on that provision in this bill, so I

would move that the Senate recede from Senate Amendment No. 1 to House Bill 2952.

PRESIDENT:

All right,...Senator Schuneman has moved that the Senate recede from Senate Amendment No. 1 to House Bill 2952. Discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, what other bill is that included in and has that bill already passed both Houses?

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

I'm sorry, I don't have that number. I'm just told by staff that it was on another bill. I can get that for you.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Did they say that that bill passed both Houses?

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

I'm not sure about that, Senator.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, I'm not so sure this is a good idea then. My synopsis says that this makes all precinct committeemen ex officio deputy registrars, and that seems to me to be a...a good idea and I would kind of like to see that stay on this bill.



PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, perhaps we ought to take this out of the record, Mr. President. I...

PRESIDENT:

Take it out of the record. It'll show up on tomorrow's Calendar. We've got some time to talk about it. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, just of some information. When we have a lull here every once in a while and we have quite a few noncontroversial resolutions, would you like to get to those...

PRESIDENT:

We are...we are going to get to that order. We are going through the...the Calendar on concurrence one more time to afford the members an opportunity to address those issues. Then we will move to the Order of Secretary's Desk Resolutions and try to clean up the Calendar. Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Well, while we're still on concurrences, I was wondering if you wanted to deal with 1876?

PRESIDENT:

We're going to get right to it, sir. We're going right down the line. All right, on the Order of Secretary's Desk Concurrence, page 10 on the Calendar, 1484, Senator Joyce. 1560, Senator...who's handling that for Senator Mahar? I beg your pardon, Senator Sommer. With leave of the Body, Senator Sommer will handle Senate Bill 1560 with House Amendments 1 and 3. Senator Sommer.

SENATOR SOMMER:

Mr. President and members, the net effect of these three

amendments is to create a budget that's ten thousand dollars over the...the introduced level, and that ten thousand dollars was actually Federal Funds that came in after the budget book had been printed, so this one is right on the money, it's even. It has Retirement at sixty-seven percent.

PRESIDENT:

All right, Senator Sommer...Senator Sommer has moved that the Senate concur with House Amendments 1 and 3 to Senate Bill 1560. Any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 1560. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 3 to Senate Bill 1560 and the bill having received the required constitutional majority is declared passed. Senate Bill 1569 with House Amendments 1, 2, 3, 4, 5 and 10, Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this is the budget for the Department of Mental Health and Developmental Disabilities. The House amendments did several things, they reduced the Community Grant and Aid cost of living increase from six percent to five percent. I might add, this was a mutually negotiated agreement. They also increased the grant...Mental Health Grant Initiative lines and...and...some four hundred thousand and decreased the DD Initiative Grant lines a million. They increased Personal Services in both Eowe, Ludeman, Shapiro and Waukegan; restored some one eighty-three in Personal Services to ISPI or the Illinois Psychiatric Institute in Chicago. Some three hundred and fifty thousand was added for University Research Grants, this reinstates a program that had been cut last year; adds eleven thousand dollars for Travel for adult day programs in Region Three and added a

hundred and eighty-three thousand for the Meyer Mental Health Center, bringing us to an appropriation of five hundred and ninety-five million dollars.

PRESIDENT:

All right, Senator Schaffer has moved that the Senate concur with House Amendments 1, 2, 3, 4, 5 and 10. Any discussion? Is there any discussion? Senator Buzbee.

SENATOR BUZZEE:

Only to say...only to say, Mr. President, that we concur on this side with the actions taken by the House and with Senator Schaffer's motion.

PRESIDENT:

The question is, shall the Senate concur in House Amendments 1, 2, 3, 4, 5 and 10 to Senate Bill 1569. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1, 2, 3, 4, 5 and 10 to Senate Bill 1569 and the bill having received the required constitutional majority is declared passed. 1578 with House Amendment No. 1, Senator Sommer.

SENATOR SOMMER:

Mr. President and members, the House added back eleven hundred dollars to this budget. It's still about seven thousand dollars less than the level at which it was introduced and, again, one that came in at even or under the budget book.

PRESIDENT:

All right, Senator Sommer has moved that the Senate concur with House Amendment No. 1 to Senate Bill 1578. Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1578. Those in favor will vote Aye. Those opposed will vote Nay. The voting is

open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill...the Senate does concur in House Amendments No. 1 to Senate Bill 1578 and the bill having received the required constitutional majority is declared passed. Senate Bill 714,...1714, Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I move that the Senate nonconcur in House Amendment No. 1 to Senate Bill 1714.

PRESIDENT:

All right, Senator Joyce has moved...relax, to nonconcur in House Amendment No. 1 to Senate Bill 1714. Any discussion? Senator Sommer. Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I really see nothing wrong with the amendment that's on this bill. I think it's a good amendment and...and probably should...should stay on. This bill is beginning to look like...perhaps they might have some wheels on it, and I mean that literally, and I...I would urge a No vote on this...on this motion and would advise my colleagues to do the same and would request a roll call.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. According...doesn't this amendment merely...allow the school bus driver permit to go from two dollars to four dollars?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Would you believe that I really haven't studied this

SB 1876  
concurrency

amendment that closely.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

You know, I don't believe you have too many bus drivers in your district and I have a lot in mine, and I...I really don't think they would object to being charged four instead of two and I...I think our side really should think very seriously about voting No for this.

PRESIDENT:

All right, further discussion? Senator Joyce has moved to nonconcur with House Amendment No. 1 to Senate Bill 1714. All in favor indicate by saying Aye. All...roll call has been requested. Those in favor of the motion to nonconcur will vote Aye. Those opposed to the motion to nonconcur will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 20 Ayes and 33 Noes and the motion fails. Senate Bill 1743, Senator Hall. Senate Bill 1811, Senator Luft. Senate Bill 1841,...Senator Degnan. Senate...Senate Bill 1845. Senate Bill 1876. Page 13 on the Calendar, on the Order of Concurrence is Senate Bill 1876 with House Amendments 3, 4 and 5. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move that we concur with House Amendments 3, 4 and 5 to Senate Bill 1876. House Amendment No. 3 enables a veteran who was injured in...in the Vietnam era to qualify for admission to take the service...the test for the veteran's employment representative job. Amendment No. 2...Amendment No. 4, excuse me, this amendment is...pertains to the Illinois Purchasing Act and basically provides that if the State leases an item of electronic data processing equipment today, the vendor is obli-

gated at any time during the State's lease to give the State without consideration a more favorable term than is later negotiate with another State or local governmental unit. Amendment No. 5...this amendment would authorize the Department of Central Management to transfer nineteen lots of surplus property along Washington Boulevard in Chicago to a not-for-profit organization for ten thousand dollars, and I'd move that the Senate concur in these three amendments.

PRESIDENT:

All right, Senator Weaver has moved concurrence with House Amendments 3, 4 and 5. Discussion? Senator Kelly.

SENATOR KELLY:

Mr. President, I got a question to the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Kelly.

SENATOR KELLY:

Senator Weaver, I'm sorry, I did not hear your explanation of Amendment No. 5...that related to the ten thousand dollars which is provided for certain properties in Chicago on Washington Boulevard...lots on Washington Boulevard to a Mahaneh...Yisrael. Would you please reexplain what that amendment is for and...and just how big of an area is this we're talking about?

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, this, Senator Kelly, is nineteen lots of surplus property. It's been on the market, they've tried to sell it, they had an estimated evaluation of some eighty or ninety thousand but couldn't get any takers. This non-for-profit organization has offered the State ten thousand dollars and they would like to get rid of it.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

And where is that located at on...is it in Chicago, and if it is Washington Boulevard, is that where it's at or what?

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

It's on Washington Boulevard in Chicago next to some church-owned property, I believe. I'm not...I can't give you the exact address. Maybe I can find it for you.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

And is there any special purpose that...that you know of what they're going to use this property for?

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

It's in the west side of Chicago, but I suppose it'd be for church purposes. I have no...no idea, but it's been on the market for sometime and they couldn't sell it. It's vacant right now.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

...here's an...this is something else that's in my district that I don't know about. Would you please take it out of record and discuss it with me? Or did one of the legislators from...who...who's sponsoring the amendment?

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Representative Huff and Madigan.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Representative Huff? What's...what's the address?

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, in the amendment, all it says is, "Lots sixty-one to eighty except part of lot eighty taken for the widening of Western Avenue in L. D. Boone's Addition to Chicago." That's the legal...address.

PRESIDENT:

Washington and Western. Senator Collins.

SENATOR COLLINS:

...isn't that the Armory? No, that's on Madison. Okay, that's in Senator Huff's district, so...

PRESIDENT:

The Chair will acknowledge the fact that Representative Huff has joined us. Any further discussion? Further discussion? If not, the question is, shall the Senate concur in House Amendments 3, 4 and 5 to Senate Bill 1876. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 2 Nays, 1 voting Present. The Senate does concur in House Amendments 3, 4 and 5 to Senate Bill 1876 and the bill having received the required constitutional majority is declared passed. Senator Maitland, for what purpose do you arise?

END OF REEL



REEL 6

SENATOR MAITLAND:

(Machine cutoff)...you, Mr. President. Parliamentary inquiry, please, with respect to Senate Bill 1714. I think...is the bill not in limbo now? Shouldn't a subsequent motion be made to concur? It should not be?

PRESIDENT:

No. That's up to the sponsor.

SENATOR MAITLAND:

Well, I mean,...I'm just trying to help Senator Joyce is all.

PRESIDENT:

Why...why don't you let me help Senator Joyce. Okay? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Is...is that correct...also parliamentary inquiry, is it correct that we would...it would be appropriate now to find a volunteer who having voted on the prevailing side would now move to reconsider?

PRESIDENT:

I think another motion is in order. That's all you need. We're on page 14,...1935, Senator Marovitz. 1940, Senator Demuzio. The bottom of page 14, on the Order of Secretary's Desk Concurrence, Senate Bill 1940 with House Amendment No. 1, Senator Demuzio. Hold it. 1941, top of page 15, Senator Holmberg. 1943, Senator Welch and 1946, Senator Luft. All right. We're on the order of...page 15 on the Calendar. Senator Bruce on House Bill 877 with...all right. The Order of Secretary's Desk Nonconcurrence, House Bill 877, Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. We put two amendments on in the Senate here dealing with the reporting requirements to the...State Board of Education, improving those so that we

*H.B. 2876  
Concurrence  
HB 2810  
Concurrence*

have an idea of...on job training, what students are being trained, and Amendment No. 2 dealt with residency of nonacademic personnel. I believe that we should refuse to recede from those, and ask for a Committee of Conference.

PRESIDENT:

All right. Senator Bruce has moved that the Senate refuse to recede from Senate Amendments 1 and 2 to House Bill 877 and that a Conference Committee be appointed. All in favor of the...any discussion? All in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House...2513, Senator Etheredge. Page 16...2810, Senator Joyce, Jeremiah. Middle of page 17, House Bill 2810 with Senate Amendment No. 2. (Machine cutoff)...Joyce.

SENATOR JEREMIAH JOYCE:

I move to recede from Amendment No. 1 to House Bill 2810.

PRESIDENT:

All right. Senator Joyce has moved to recede from Senate Amendment No. 2 to House Bill 2810. Discussion? Any discussion? If not, the question is, shall the Senate recede from Amendment No. 2 to House Bill 2810. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. The Senate recedes from Amendment No. 2 to House Bill 2810 and the bill having received the required constitutional majority is declared passed. 2876, Senator Jerome Joyce. House Bill 2876 with Senate Amendment No. 1, Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I would move to recede from Senate Amendment No. 1.

PRESIDENT:

Senator Joyce has moved to recede from Senate Amendment

No. 1 to House Bill 2876. Discussion? If not, the question is, shall the Senate recede from Amendment No. 1 to House Bill 2876. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill...the Senate does recede from Amendment No. 1 to House Bill 2876 and the bill having received the required constitutional majority is declared passed. 2892, Senator Bruce. On the Order of Secretary's Desk Nonconcurrency, House Bill 2892, Senate Amendment No. 1, Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. I'm told that the House Speaker has requested this come back in one final attempt to make an accommodation with the Circuit Clerk of Cook County and, therefore, I would move that we refuse to recede from Senate Amendment No. 1 and that a Conference Committee be appointed.

PRESIDENT:

Senator Bruce...Senator Bruce has...moves that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 2892 and that a Conference Committee be appointed. All in favor...any discussion? All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 2917, Senator Joyce. Secretary's Desk Nonconcurrency, bottom of page 17, is House Bill 2917 with Senate Amendment No. 1. Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I would move not to recede.

PRESIDENT:

All right. Senator Joyce moves that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 2917 and

that a Conference Committee be appointed. Any discussion? If not, all in favor indicate by saying Aye. All opposed Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. 2987, page 18, Senator Bruce. On the Order of Secretary's Desk Nonconcurrency, page 18, is House Bill 2987 with Senate Amendment No. 2. Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. I'm told that this is one of the few public utility bills around right now. The Citizens Utility Board has contacted me indicating that they need to change a date of an election that is forthcoming, and they also want to try to work out an accommodation with those who work for utility companies so that they might in fact be able to serve on the Citizens Utility Board. Work is ongoing on that particular amendment...and to that end, I would ask that we refuse to recede from Senate Amendment No. 2 so that we might have a Committee of Conference appointed.

PRESIDENT:

All right. Senator Bruce has moved to...the Senate refuse to recede from Senate Amendment No. 2 to House Bill 2987 and that a Committee in Conference be appointed. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 3177, Senator Joyce. Secretary's Desk Nonconcurrency, House Bill 3177 with Senate Amendment No. 1. Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I would move to not recede from Senate Amendment No. 1.

PRESIDENT:

Alright. Senator Joyce moves that the Senate refuse to recede from the adoption of Amendment No. 1 to House Bill 3177 and that a Conference Committee be appointed. Any discussion? If not, all in favor indicate by saying Aye.

All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. All right. Pursuant to Senator Vadalabene's earlier suggestion, we'll move to page 5 on the Calendar. There are number of resolutions. Senate Resolution 24, Senator Bruce. 247, Senator Newhouse. 442, Senator Netsch. All right. On the Order of Secretary's Desk Resolutions, Senate Resolution 442. Senator Netsch.

SENATOR NETSCH:

Thank you, I'm looking for my file at the moment, but the...what the resolution does is to...just simply have the sense of the Senate and ask the Federal Government to look into the question of those civilians, primarily Red Cross nurses, who served in combat zones but in officially noncombatant positions during the Vietnam War and who were, like others who served in the military service as such,...excuse me, subject to Agent Orange to allow them to...to be examined and aided as are those who were otherwise subjected to Agent Orange. It was a resolution proposed by the Agent Orange Study Commission of the Illinois General Assembly and supported by the Status of Women Commission. I think it was reported unanimously by the Executive Committee.

PRESIDENT:

All right. Senator Netsch has moved the adoption of Senate Resolution 442. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. 481, Senator Darrow. On the Order of Secretary's Desk Resolutions, Senate Resolution 481. Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is similiar to Senator Netsch's resolution...it calls upon Congress to pass legislation which it is now considering to establish a peace academy. This has been...similiar resolutions have been...adopted by a number

of other states, and I'd ask for a favorable vote.

PRESIDENT:

All right. Senator Darrow has moved the adoption of Senate Resolution 481. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. 247, Senator Newhouse. On the Order of Secretary's Desk Resolutions, Senate Resolution 247. I beg your pardon...we're going...we're going right down the line, please. Some communist plot obviously. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. The Federal Employer Retirement System Income Security Act apparently preempts the Illinois Freedom of Choice Statutes so it allows the Feds to nullify State laws without substitution and leaves us without protection for our citizens. So this resolution asks that the President and the Congress amend ERISA to permit the states to regulate...employee health benefit plans to assure the solvency of such plans. I would ask a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse has moved the adoption of Senate Resolution 247. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Senate Resolution 247 is adopted. Senator Keats on Senate Resolution 482. Senator Keats is recognized.

SENATOR KEATS:

Thank you. This reads Keats, Berman and Kustra, has to do with the Bahai problem in Iran. I think, as you are aware, under the Iranian Revolution they have been sort of willy-nilly murdering Bahais for the fun of it. President Reagan and the U.S. Congress and the State Department have ask them to cut this out, and what our resolution is based upon is the fact that the...the Bahai International headquarters is in Willmette. While within my district, it's, you

know, a stones throw from Senator Berman's and Senator Kustra's, and we just thought the State of Illinois should be joining the State Department and...and President Reagan in saying that coldblooded murder is basically unacceptable in a civilized world.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Senate Resolution 482. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Senate Resolution...482 is adopted. Senate Resolution 523, Senator Lemke...911 emergencies...all right. 527, Senator Smith. Senator Smith is recognized for a motion.

SENATOR SMITH:

Thank you, Mr. President. Senate Resolution No. 527 urges our U.S. Veterans' Administration to provide equal benefits for our female veterans. We also cite that the...Veterans' Administration now seems to fail to address this...needs to our female veterans who are going into the services, and because of lack of privacy at many of the facilities women are being denied, certain specialized medical care, and we also cite that thousands of women who serve this country should receive the same consideration as our male veterans do. We ask for your support and adoption of this resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Smith moves the adoption of Senate Resolution 527. On that motion, discussion? On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment...Resolution 527 is adopted. Senate Resolution 531. Senator Geo-Karis is recognized for a motion.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Resolution...531 asks that the Congress take action to prevent the proposed closure of the Navy Publications and Printing Service Detachment Office at the Great Lakes...Naval

Training Center. There about a hundred jobs involved here, and...we would like to have...keep the facility there, because it does provide employment and there is no good reason for it to be moved. I move its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it and the resolution is adopted. Senate Resolution 535, Senator Floom...542, Senator DeAngelis. Senator DeAngelis is recognized for a motion.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Resolution 542 simply asks the Senate Revenue Committee to study the problems that communities like mine...and Senator Holsberg's and some other areas where we ajoin other states where we have a problem of disintermediation in our commerce. We have people buying goods across the line and not paying the tax. It is an extremely complex issue. The Department of Revenue has agreed to work with us, and I would hope that we would take the time between now and next spring and do something so we can come back with some legislation to deal with this problem.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? Since this resolution calls for an expenditure of funds it would require the affirmative vote of thirty members elected. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record.

On that question, the Ayes are 53, the Nays are none, none voting Present. The Senate does adopt Senate Resolution 542. Senate Resolution 543. Senator Newhouse is recognized for a motion.

SENATOR NEWHOUSE:

Thank you, Mr. President. The description in the Digest is...is absolutely accurate. I would move an Aye vote on



Senate Resolution 543.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse moves the adoption of Amendment No. 1 to Senate Resolution 543. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it and the resolution...the amendment is adopted. (Machine cutoff)...Newhouse now moves the adoption of Resolution 543 as amended. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Senate Resolution 543 is adopted. Senator Vadalabene on 546. Senator Vadalabene is recognized for a motion.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and member of the Senate. Senate Resolution 546 is a product and has been requested by the Municipal Problems Commission. And the reason for the request is that many municipalities are not receiving what they believe is their fair share of sales tax returns. For example, all sales tax refunds for Kmart are turned over to their main home base, and other municipalities such as Springfield and places with...which have Kmart stores do not receive their share of the sales tax refund. We've requested that the Auditor General commence the audit immediately he says he can do it, and I would appreciate consideration of this motion.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Senate Resolution 546. Discussion? Senator Fawell.

SENATOR FAWELL:

Just...just a point of personal privilege. I have a seatmate whose birthday I missed yesterday, and it was his thirty-ninth and I think we ought to wish Harlan Bigney a...a happy birthday.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rigney, happy birthday to you. Sam...Senator Vadalabene.

SENATOR VADALABENE:

Bev, this is Sam. One more move like that and we're going to get a divorce.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Vadalabene has moved the adoption of Senate Resolution 546. Requires the expenditures of funds so a...a affirmative vote of thirty members elected will be required. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt Senate Resolution 546. 564, Senator Geo-Karis is recognized for a motion.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Resolution 564 directs the Department of Energy and Natural Resources of the Illinois EPA to jointly make a study...

PRESIDING OFFICER: (SENATOR BRUCE)

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

SENATOR GEO-KARIS:

...to jointly make a study regarding ground water monitoring and management specifically as it pertains to contaminations from landfills as soon as it may be practicable, and I urge the passage of this resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? It requires the expenditures of money, a roll call will be required. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does adopt Senate Resolution 564. Senate Resolution 591, Senator Collins. Senator Collins. Extends the deadline of the special Senate

Committee to November 15th. Senator Collins.

SENATOR COLLINS:

...yes, Senate Resolution 591 extends the deadline for the Special Task Force on Transportation to make its report to November...November 15th, '84, because we were having some hearings at the time and we are not concluded those hearings, and I move for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. It requires the expenditures of funds, a roll call will be required. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The Senate does adopt Senate Resolution 591. Senator Vadalabene on Senate Resolution 549...649. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. Senate Resolution 649 recognizes that July 20th, 1984 as National POW/MIA Recognition Day, and urges Commerce to demand from the Governments of Vietnam, Laos and Cambodia an accounting of all Americans missing in those countries. It lists a hundred and five Illinois servicemen who are missing in action, and I move for adoption of this Senate Resolution 649.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion...the motion is to adopt Senate Resolution 649. Those in favor say Aye. Opposed Nay. The Ayes have it...the resolution is adopted. Senate Resolution 667, Senator Barkhausen. Senator Barkhausen is recognized for a motion.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Resolution 667 urges Congress to enact legislation that will grant the same kind of antitrust immunity to local governments which states have enjoyed. The interest in this legislation which Congress has

considered and which is somewhat similar to legislation that we passed last Session is the so-called Boulder decision out of Colorado, whereby the City of Boulder was held to be subject to antitrust liability for engaging in cable T.V. regulation. I know I have in my district a case which has resulted in a substantial judgment against Lake County and the Village of Grayslake for engaging in what...what had been thought to be traditional municipal zoning and planning activities, and the developers successfully brought...an antitrust suit against the village and county and obtained a judgment of twenty-eight million dollars. You can imagine how difficult it will be for a village of five thousand people to try to pay off a...a treble damage judgment of that kind. So we are seeking to have Congress adopt legislation that will grant immunity to local governments in the same manner that the states enjoy, and I urge the adoption of this resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. We had the same discussion, I believe, in committee, Senator Barkhausen. I...this is not something I feel passionately about, but I really think your resolution goes too far. There is no question that Boulder creates some problems for units of local government, and there's going to have to be some adjustment either by legislation or by court decision over a period of time; but by the same token, there are a lot of activities that local governments engage in that really are very dissimilar from any activities that the State level of government can engage in, and where they ought to be subject to some degree of oversight, not necessarily in the same category as a private party, obviously, but they should not be home tctally free as for almost all practical purposes the State level of govern-

ments is. So my only objection is, I think you are...you are offering up a total immunity when a total immunity is not appropriate.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, in the lawsuit of which Senator Barkhausen spoke, let me tell you that the individual, the mayor and the township supervisor and individuals who are serving the public were also slapped with big judgments, and I think it is only fair to pass a resolution of this nature because you have people on school boards, I suppose if they get sued and they have a...a treble judgment against them, and they don't even get paid for the service, what do they do? I...I think it's a good resolution. I think something should be done about it, not to subject units of local government to the antitrust laws.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Barkhausen may close.

SENATOR BARKHAUSEN:

In response to Senator Netsch, I...I must say that I share some of her concerns. The legislation we passed last year would express the State policy to...to grant immunity only for those municipal activities which are traditional or which are authorized by law and the State Constitution. I...I think there inevitably will be some gray areas in determining what should be exempt and what shouldn't. I happen to feel, for example, that...that regulations of taxicabs ought to be loosened up and there ought to be more competition in that area, but I do think that in general municipalities and governing officials ought to be general...generally immune and not feel that they have this sort of Damocles hanging over their head, such that they can end up with whopping judgments against them in the manner that

the city officials in Grayslake and county officials in Lake County were subjected to. Legislation is well on its way towards passage in Congress that would accomplish this objective, and we are taking our small part in...in urging it along the way, and I would ask for the adoption of this resolution. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Senate Resolution 667. Those in favor say Aye. Opposed Nay. Ayes have it. The...resolution is adopted. Further...let's see. Senator Newhouse, for what purpose do you seek recognition?

SENATOR NEWHOUSE:

Thank you, Mr...Mr. President. On Senate Bill 248, we adopted one amendment, the...the committee amendment and did not...adopt the Floor amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Yes. Senate Resolution 543...

SENATOR NEWHOUSE:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Resolution 248 was adopted.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to reconsider the vote by which Senate Resolution 543 was adopted. There was an amendment that was not adopted. On the motion to reconsider, those in favor say Aye. Opposed Nay. The Ayes have it and the vote is reconsidered. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Newhouse.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse.

SENATOR NEWHOUSE:

Amendment No. 2 is a technical amendment. It simply is a change in language, and I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt Amendment No. 2. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The resolution is adopted. Now, as amended, Senator...the amendment is adopted. Now, as amended, Senator Newhouse moves the adoption of the resolution. On that motion, those in favor say Aye. Opposed Nay. The Ayes have it. The resolution as amended is adopted. For what...Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Mr. President, I would like to have the rules suspended for the purpose of considering immediately a congratulatory resolution, Senate Resolution 712, which is on the Consent Calendar.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Is there leave to go...it is placed on the Resolution Consent Calendar. Is there leave for Senator DeAngelis...is it of a personal nature? Is there leave? Leave is granted. Consider the resolution suspend the rules for the immediate consideration. Senator DeAngelis.

SENATOR DeANGELIS:

...may I have permission to read this?

PRESIDING OFFICER: (SENATOR BRUCE)

Yes. Senator Philip. Senator DeAngelis, you're recognized to read the resolution.

SENATOR DeANGELIS:

(Senator DeAngelis begins reading SR 712)

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Senator DeAngelis.

SENATOR DeANGELIS:

(Senator DeAngelis finishes reading SR 712)

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The rules have been suspended. The motion is to adopt. Those in favor say Aye. Opposed Nay. The Ayes have it. Senate Resolution 712 is adopted. All right.

House Joint Resolution...for what purpose does Senator Kelly arise?

SENATOR KELLY:

Mr. President, I have a Senate Resolution 700 which is the Annual Respect Life Week Resolution, and it was assigned to the Executive Committee, and I'd like to move to discharge the committee and to get immediate consideration. This has been a common practice of this Body in almost all...in fact, there isn't anything in here that I think is offensive even to someone who is not pro-life, because it's a collective of appreciation of...of all human life, and it will be the week of September 30th through October 7, 1984, and I make that motion, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Egan.

SENATOR EGAN:

Thank you, Mr. President, members of the Senate. Senator Kelly, we have other resolutions that we were going to ask the unanimous consent of the Body to discharge committee on, your's being one of them, and as long as we're at it, let's do it. It is my request that we discharge the Committee on the Executive from the following resolutions. Having had the agreement of both sides of the aisle, Senator Schuneman and I have worked all day today with the members that wish...this motion...Senate Resolution 700 which is Senator Kelly's. Senate Resolution 719 which is Jerome Joyce's. House Joint Resolution 169, Senator Berman is the Senate sponsor, and Senate Joint Resolution 122, Senator Philip. And I would ask leave of the Body to discharge the Committee on the Executive so we can place these on the Order of the Calendar on...and deliberate on them in due time.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Is there leave to discharge Senate Resolution 700 and 719...House Joint Resolution 169, and Senate Joint



Resolution 122 and have them placed on the Calendar, and we will get to those tomorrow once printed? Is there leave for that order? Leave is not granted. Senator Kelly.

SENATOR KELLY:

No, I...it's not that I have any problem with leave, I just want a very short, brief description of each resolution, so we know what we're talking about. I told you what mine was about and I want to have it considered, but at the same time, if we can just get a tiny, brief description of what these resolutions do. Or all you want to do is put them on the Calendar? We get leave for that. Yeah.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The...the leave...we're requesting leave to have them placed on the Calendar on the Order of Resolution Secretary's Desk. Is there leave for that order? Leave is granted. Those four resolutions will be placed on the Order of Secretary's Desk Resolutions. For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

A point of parliamentary inquiry. When we passed my Senate Resolution No. 564, I forgot there was an amendment on it which made the date to be done as soon as practicable. Do I have to move to reconsider the vote, go back to make it...the resolution as amended? I...I didn't think of it, I'm sorry.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Geo-Karis, we'll...we'll check with the Secretary's Office and we'll get right back to you. Senator...Grothberg, for what purpose do you arise?

SENATOR GROTHBERG:

Thank you, Mr. President, an inquiry of the Chair. Among the discussion back there, I lost track of the Resolutions Calendar, but Senate Joint Resolution 118, I would like to get over to the House because I'm sure that would...should be

moved on this spring to mandate the Arts Council to publish those names in our district, and if we...if we're going to get to, I'll wait, but if we're not going to get to it, I'd like to call it.

PRESIDING OFFICER: (SENATOR BRUCE)

No. We...we will get to it, we're going to go all the way through. All right. Senator Geo-Karis, as soon as we find out, we'll answer your question. Be a lot easier to answer it once we know whether or not there was a resolution and an amendment. Well, we've already sent it, we've got to retrieve it. Once we get it back, we'll have all the paper work here to do it properly. House Joint Resolution 33, Senator Dawson. House Joint Resolution 71, Senator Marovitz. Heritage House removing them from bids. All right. House Joint Resolution 80, Senator Rock. Senator Rock is recognized.

SENATOR ROCK:

Thank you, Mr. President. This...House Joint Resolution 80, sponsored by Representative DiFrma, urges the United States Senate to retain and support the Senate Veteran Affairs Committee. I, frankly, had tried to deliver this message in person, but we'll have to send them a letter. I move for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt House Joint Resolution 80. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it and the resolution is adopted. HJB 109, Senator Vadalabene, is recognized for a motion.

SENATOR VADALABENE:

Yes, before I start the motion, I would like to be shown as a hyphenated...sponsor on House Joint Resolution 80.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. Senator Vadalabene.  
SENATOR VADALABENE:

Yes, House Joint Resolution 109 is just what the Digest says, it urges the Department of Public Health to request hospitals and nursing homes to inform veterans of eligibility for medical care at our VA facilities.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The motion is to adopt HJR 109. Those in favor say Aye. Opposed Nay. The Ayes have it. (Machine cutoff)...Vadalabene, since this may require the expenditure of money, a roll call will be required. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate does adopt HJR 109. All right. Is there leave to return to Senate Resolution 564? Senator Geo-Karis, having voted on a prevailing side, moves to reconsider the vote by which Senate Resolution 564 was adopted. Those in favor say Aye. Opposed Nay. Ayes have it. The vote is reconsidered. Senator Geo-Karis now moves the adoption of the amendment. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Senate Resolution...she now moves the adoption of Senate Joint...Senate Resolution 564 as amended. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The resolution is adopted. The motion is on Senate Resolution 564, it's an expenditure of money, it will require a roll call. Those in favor say...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 are none, none voting Present. Senate Resolution 564 is adopted. HJR 147, Senator Berman is recognized for a motion.

SENATOR BERMAN:

There's a...an amendment...there's an amendment to the resolution that merely provides that copies of it be supplied

to the Governor, Secretary of State, State Librarian and State Board of Education, the Board of Higher Education. I move the adoption of Committee Amendment No. 1 to House Joint Resolution 147.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman moves the adoption of Amendment No. 1. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

(Machine cutoff)...further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Berman moves the adoption of HJR 147, as amended. Those in favor say Aye. Opposed Nay. The Ayes have it. The resolution is adopted. HJR Constitutional Amendment 8, by Senator Hall. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would request that we have a time certain set for tomorrow for this. This...as all of you know, this is a D.C. amendment, and I would respectfully request that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, do you have a specific time tomorrow that you wished? Senator Rock.

SENATOR ROCK:

I...I think in everybody's best interest, and I have spoken with Senator Philip about this, that it would not be a bad idea to have a specific time because I intend before Senator Hall and I proceed on the proposed D.C. amendment to call for action on my motion which was filed some months ago to change the Senate rule with respect to ratification of Federal Constitutional Amendments, and I think we can deal with the whole thing if we just decide amongst ourselves what time, we'll all know it's coming and we'll do it or not do it.

PRESIDING OFFICER: (SENATOR BRUCE)

The...the Chair would appreciate the suggestion of a specific time tomorrow.

SENATOR ROCK:

How about noon tomorrow?

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is by Senator Rock that we get...on noon tomorrow, the question of the adoption of HJR CA 8 and a written motion...pertaining to the Senate rules on adoption of proposed Federal Constitutional Amendments. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it and those will be set for specific time tomorrow at noon. Senate Joint Resolution 13, Senator Lemke. Special joint committee. Senator Lemke is recognized for a motion.

SENATOR LEMKE:

Senate Joint Resolution 17 creates a special joint committee to recommend...look into recommended courses to bridge the gap between communication...between young people and seniors. This is brought out by many senior groups and...and school people in my district; in other words, they would like to...seniors who work in these schools and work together to put together programs that teach the teenagers the problems of growing older and...and creating communications amongst them. I think it's a good resolution, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt SJR 13. Senator Collins.

SENATOR COLLINS:

Just one question of the sponsor. This...and I'm not rising up...rising against the concept at all, I think it's good. I just need to know where...where will these courses take place? And oh...what...oh, you're proposing that there be a special committee set up?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke. Senator Lenke for the...

SENATOR LENKE:

It just sets up a committee to look in and make recommendations to us.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Collins. Senator Collins.

SENATOR COLLINS:

Yes. So that the...the Speaker of the House and the President of the Senate would appoint some members to this special committee to study. To study, basically, what? I'm...I'm really trying to see what you're going to study...what are you trying to accomplish?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

Well, I could...I could read the...the resolution, but it's...in regard setting...looking into the possibility of setting up a course study dealing with the aging process, be implemented in a high school level and public school system. This is to increase the knowledge of the biological, physiological and social processes of aging and development of social skills which deal with the special problems and...in a course; in other words, we all know there's problems between teenagers and seniors, and this is a...at the Currie High School in my district, they do this...they have a course where they use seniors from the senior citizen club to work with teenagers and they go through the process, you know, things that...that bridges a gap and creates good will in relationship so teenagers have more respect for the elderly and the elderly have more respect for the teenagers.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

had forgotten this resolution. It did have a hearing in the Senate Executive Committee last April, but basically, what the sponsor seeks to do, I think is something that we've got probably too many committees to do already. We've got a House Education Committee, we've got a Senate Education Committee, we've got a School Problems Commission, Mike BaKalis has formed some kind of a committee that's running...going to run around the State now and solve problems. I really don't think we need another committee in the Legislature to deal with issues of education. The...apparently the resolution says something to the effect that the course would deal with quote, "all areas of intergenerational interaction of great value to every citizen, young and old." I really think that we can get by without this. I don't know that it's going to do any great damage, but I don't expect it to do any good either.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. We've just completed twelve hearings Statewide; that is to say, the Commission for the Improvement of Elementary and Secondary Education. Those hearings were well attended and they were somewhat geographically equally located across the State, and I don't recall one person testifying on...on this issue. I...I agree with Senator Schuneman, it may be a worthy...worthy proposal...I'm not going to say that, I don't think it's a worthy proposal. I think there could be some concern. I think parents have a part to play here but, my gracious folks, education...government simply can't be all things to all people, and that's what we continue to try to do. I think that, yes, indeed, we need to be concerned about this issue, but each of us in our own way, and I believe I would urge defeat of Senate Joint Resolution 13, also.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lenke may close.

SENATOR LENKE:

Well, when I hear that this is not worthwhile, that's kind of ridiculous. We all know that the population is growing older, and we hear a constant gripe from senior citizens that they're paying taxes in the school system, yet, they have nothing to participate in the school system with, and that all they have is the kids from the high schools that come around and...and create a little...little friction, there's a lot of friction amongst teenagers and senior citizens. What this thing is...is...is to...this resolution is...is to bridge the gap where the educators have forgot to bridge the gap, and that's bringing in the senior citizens into class studies, into their social structure and...and working out a course where they can create a better communication between these two groups of people in the State of Illinois. I think it's a good program. I think it's worthwhile and I think it will assist us greatly in explaining the education process to those people that are elderly and also explain to the teenagers the...the problems of growing older and...and to have a better understanding amongst these people. And I think, any...in anything we do, this is probably the most worthwhile thing we can ever do in the State of Illinois. If we can come up with a program to bridge this gap, this...it will be well worth it, and I think it's...this resolution...should be adopted.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the adoption of Senate Joint Resolution 13 which requires the expenditure of money, and a roll call will be required with a majority of those elected supporting. 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 29, the Nays are 21, 1 voting Present. The resolution is not adopted. Senate Joint Resolution 51, Senator Philip. Senator Philip is recognized for a motion.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution No. 51 urges the President and Congress to reassess the current allocation of radio frequencies. I have a lot of police departments and fire departments in the suburban area that have a problem with these frequencies. I'd be happy to answer any questions, and I move the adoption of Senate Joint Resolution 51.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? The question is on the adoption of SJR 51. Those in favor say Aye. Opposed Nay. The Ayes have it. SJR 51 is adopted. Senate Joint Resolution 69, Senator DeAngelis. Senator DeAngelis is recognized for a motion.

SENATOR DeANGELIS:

Thank you, Mr. President. I realize this is late in the Session to try to adopt something like this. I have held back because of the undetermined status of the commissions. However, I would like this passed, sent over to the House and, ultimately, it will be decided whatever the...commissions go. But basically what the resolution calls for is...to study the possible separation of the Department of Mental Health into a mentally ill area and developmentally disabled area. There are a lot of people who have a concern about the Department of Mental Health being able to function as it is, that it may have some serious managerial problems. The acting director currently, Mr. Belletire, I think has done a fine job in trying to straighten that out, but, as we all know, he is an acting director, and he can conceivably...be gone in the near future. And all that this resolution does is ask that we

study the possibility of separating those areas in the Department of Mental Health.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Discussion? Senator Collins.

END OF REEL

REEL #7

SENATOR COLLINS:

Yes, thank you, Mr. President. A question of the sponsor. I...I recognize what you're trying to do. I have heard some complaints and concerns myself, but why not the Commission on Mental Health?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Collins, there may not be any commissions left after June 30th. I don't know where this is going to end up at.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

...then if it end up where we still have the Commission on Mental Health, would you be amenable to having that commission conduct this study rather than a new commission?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, the only reason I would have difficulty with the Commission on Mental Health is that I think it's going to take people who currently aren't serving on that type of a commission, in other words, a little broader base group to study this problem. If...you know, if worse came to worse then that's all that was left, and I have no problem with that commission existing, I am certain that it's going to end up there anyhow.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Question is on

the adoption of SJR 69. It will require a roll call vote since it requires the expenditure of funds. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 10, 1 voting Present. Senate Joint Resolution 69 having received the required constitutional majority is declared passed...is declared adopted. Senate Joint...Resolution 77, Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Currently pending in the United States Senate is Senate Bill 2053 which if enacted would cut off Medicaid money to any facility serving more than ten persons in the...in the area of mental help, and it's a farsighted idea but it would just...oh, there's an amendment. I'm sorry, there's a technical amendment which we'll have to adopt first.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion...there is an amendment. Senator Egan moves the adoption of Amendment No. 1. On the amendment, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Senator Egan has...Senate Joint Resolution 77 as amended.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. The...this...this Senate bill would divert all Federal Medicaid dollars from large institutions in six-month intervals over a ten-year period. It would...it would, in fact, as we have seen it...Senator DeAngelis and I have jointly co-sponsored this measure because of its disastrous effect in Illinois, and...it...it's just a...an expression of opposition to the Federal legislation which would be very difficult to live with in...in the mental facilities in...in Illinois and it's an expression of opposition and I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt. Those in favor say Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 77 is adopted. Senate Joint Resolution 88, Senator Vadalabene. Senator Vadalabene is recognized for a motion.

SENATOR VADALABENE:

Senate Joint Resolution 88 resolves that the Illinois delegation to the Mississippi River Parkway Commission are requested to take appropriate action to pursue congressional or administrative change that will designate the entire Great River Road in Illinois to give this State access to Federal funds.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion is to adopt. Those in favor say Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 88 is adopted. Senate Joint Resolution 92, I believe there's amendment. Senator Watson is recognized.

SENATOR WATSON:

Yes, I have an amendment to Senate Joint Resolution 92. There's some concern in our area of the State, both Senator Bruce and my area, about the intent of this resolution and the amendment just simply clears up the intent and I know of no opposition right...

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt. Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment is adopted. Senate Joint Resolution 103, Senator Rock. Senator Rock is recognized for a motion.

SENATOR ROCK:

Thank you. Senate Joint Resolution 103...as one of the recommendations of the Hazardous Waste Task Force which, as you recall, had more than one hundred members and had organized itself into ten subcommittees, it was pretty unanimous agreement that in many instances there was not enough inter-

agency cooperation and information sharing. So, Senator Grothberg and I have cosponsored Senate Joint Resolution 103 asking the Commission on Intergovernmental Cooperation to undertake a comprehensive study of the State's management from an administrative, managerial point of view, finding out what all...what the responsibilities of these departments are and suggesting recommended changes to the General Assembly. As you know, we've got Public Health, Energy, Natural Resources, the list goes on and on and Pollution Control, Environmental Protection, and we have to get a study as to what in the world all these are doing and should be doing, and that's all this resolution does. I would move its adoption and suggest a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President. Only to concur with our sponsor and President Rock. I think this has been an interesting year for hazardous waste. We've seen a...dozens of bills on the subject. We've found out, anyone who sponsored one, what a maze it is to have to creep through the administration of the State of Illinois and also the private sector. I would hope that some sort of resolution of where we're headed administratively could be brought about by such a motion. I concur and ask for the adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. Since there's a requirement of expenditure money, a roll call will be required. Those in favor vote Aye. Those opposed will vote Nay. The voting is open. Thirty affirmative votes are required for passage. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are none, none voting Present. Senate Joint Resolution 103 is adopted. Senate Joint Resolution 104, Senator Mahar. Sena-

tor Davidson is...is recognized. For what purpose do you arise, Senator Davidson?

SENATOR DAVIDSON:

To ask leave of the Senate to handle this for...in absence of Senator Mahar. I handled it in committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...is there leave? Senator DeAngelis, is there...on this point...Senator...

SENATOR DeANGELIS:

Well...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

...well, I...I think the board is malfunctioning. It recorded 47-00-2 and that doesn't add up to 59, so I just want to alert...is the one dead?

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator DeAngelis, there were twelve not voting but it did not show on the numerical indicator but it did, in fact, reflect that in the recorded roll call. Is there leave for Senator Davidson to handle Senate Joint Resolution 104? Leave is granted. Senator Davidson on Senate Joint Resolution 104.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this resolution relieves the School Problems Commission of doing this with card study because it's incorporated in the commission which we created here last year on the improvement of elementary and secondary education and there's no need of duplicating this effort. I move the adoption of Resolution...Senate Joint Resolution 104.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 104

is adopted. Senate Joint Resolution 113, Senator D'Arco. Senator D'Arco is recognized for a motion.

SENATOR D'ARCO:

Thank you, Mr. President. Senator Joint Resolution 113 extends the Joint Condominium Study Commission reporting date to January 9th of 1985, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

...all right, the...the motion is to adopt Senate Joint Resolution 113. Since it will require the expenditure of money, a roll call is required. 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 4, none voting Present. Senate Joint Resolution 113 is adopted. Senate Joint Resolution 115, Senator DeAngelis. Senator DeAngelis is recognized for a motion.

SENATOR DeANGELIS:

Thank you, Mr. President. All that this does is it allows the General Assembly to adopt the Federal surplus property rules that the Department of Central Management Services has adopted in order to qualify for Federal surplus property. I urge its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Motion is to adopt. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it and the resolution is adopted. Senate Joint Resolution 118, Senator Grotherg.

SENATOR GROETBERG:

Thank you, Mr. President. I believe there's an amendment to be adopted. I move the adoption of Amendment No. 1 to Senate Resolution 118.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1 to Senate Joint Resolution 118. Senator Zito.



SENATOR ZITO:

Yes,...Senator Grotberg, I'm not aware of an amendment.  
Can you explain it to us?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg on Amendment No. 1.

SENATOR GROTBERG:

Yeah, it changes thirty days to ninety days because they give out most of their awards in August; we adjourn tomorrow, and then they do their big thing in August and really ninety days is more realistic to send us the list.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Zito.

SENATOR ZITO:

I'm in support of that, I was just unaware of it.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, motion is to adopt. Those in favor say Aye. Opposed Nay. The Ayes have it and the amendment is adopted. Senator Grotberg now moves the adoption of Senate Joint Resolution 118 as amended.

SENATOR GROTBERG:

Very quickly, fellow members, this is the Zito-Grotberg resolution to statutorily mandating that the Arts Council notify us of where their grants went in our district and they will cooperate and this should do the job. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is on the adoption of SJR 118. Requires expenditure of fund. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are none, none voting Present. Senate Joint Resolution 118 as amended is adopted. Senator Bloom. For what purpose Senator Hall arise?

SENATOR HALL:

Thank you, Mr. President. I'd like to know now if I'm in order. I threw my switch the wrong way on Senate Joint...Resolution 13 and I would like to move to reconsider the vote by which it passed...at which it failed, having voted on the prevailing side.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall moves to reconsider the vote by which SJB 13 was lost. On the motion to reconsider, is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Is...is this the resolution of Senator Lenke...

PRESIDING OFFICER: (SENATOR BRUCE)

...yes, it is, Senator.

SENATOR SCHUNEMAN:

...that lost a few minutes ago? Yeah, well, I would stand in opposition to the motion.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion is to reconsider. Is there...further discussion of the motion? It will require thirty affirmative votes to reconsider. Those in favor 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 33, the Nays are 19, none voting Present. SJB 13 is deemed adopted...oh, the vote is reconsidered...the vote is reconsidered. Now the matter before the Body is SJB 13. Senator Lenke.

SENATOR LEMKE:

I move to...favorable vote of Senate Joint Resolution 13...move for the adoption, I'm sorry.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt SJB 13. Is there discussion of that motion? Discussion? All right, those in favor will vote Aye. Those opposed will vote Nay. The voting is open.

It will require thirty affirmative votes since it requires the...expenditure of funds. 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 19, 1 voting Present. SJR 13 is adopted. Senator Rock, have we passed out the...we've...we have passed out the second supplemental Calendar. Have we passed out the second concurrence-nonconcurrence analysis? All right, with leave of the Body, we will go to the second supplemental Calendar. Oh, I'm sorry, before leave the Order of Resolutions, Senator Bloom has returned to the Floor. On page 6 of your Calendar is Senate Resolution 535. Is there leave to go back to that order? Leave is granted. Senator Bloom is recognized for an amendment.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. I have caused to be changed on the face of the resolution...in your Calendar, it directs the Illinois Legislative Investigating Commission to investigate certain...I have caused to be changed on the face of the resolution that direction to the Senate Judiciary II Committee. I've spoken with the chairman of Senate Judiciary II and if, indeed, we are going to make more use of our committees and less use of commissions, that is why it would be changed. So, as it is changed, it now directs the Senate Judiciary II Committee to investigate the commercial operations of Panhandle Eastern Pipeline Company with regard to their affect on natural gas customers and prices in this State. This address a problem that really goes from about I-80 to a little below Springfield where the utilities are basically at the mercy of this one pipeline company, and there is some parallel litigation pending in Federal Court under Sherman...and a possible Sherman and Clayton Act violations, and I believe that it would be wise for us to look into perhaps possible other violations.

JB 1484  
Concurrence

Answer any question; otherwise, I'd seek a roll call 'cause I think it would involve probably expenditure of funds.

PRESIDING OFFICER: (SENATOR BRUCE)

First of all, is there leave to amend the resolution on its face to reflect the Senate Judiciary II Committee? Leave is granted. On the motion to adopt, since it requires the expenditure of funds...roll call will be required. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, none voting Present. The Senate does adopt Senate Resolution 535. For what purpose Senator Grotberg arise?

SENATOR GROTBERG:

It might be a good time of the afternoon to remind...we let it go by a few minutes ago, but nobody wants to tie us up here on resolutions, but voting people that aren't on the floor...we...nobody wants to verify any...one side or the other in the interest of time, but if we could be alerted that from hereon in, it shall happen if we have to and...and I would appreciate the membership's cooperation on both sides of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. With leave of the Senate, we will go to the second supplemental Calendar. Senator Vadalabene. Ch, for what purpose does Senator Jeremiah Joyce arise?

SENATOR JEREMIAH JOYCE:

Can we go to...Secretary's Desk Concurrence and take up a Senate bill that we passed over?

PRESIDING OFFICER: (SENATOR BRUCE)

What page, Senator?

SENATOR JEREMIAH JOYCE:

1484...Senate Bill 1484.

PRESIDING OFFICER: (SENATOR BRUCE)

What...page 10...page 10 of your Calendar...all right, is there leave to go to the Order of Secretary's Desk Concurrence for page 10 of your Calendar? Leave is granted. Senator Jeremiah Joyce is recognized for a motion.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I move that the Senate do concur in House Amendment No. 1 to Senate Bill 1484.

PRESIDING OFFICER: (SENATOR BRUCE)

All right.

SENATOR JEREMIAH JOYCE:

Let's take them one at a time. Senate bill...House Amendment No. 1 to Senate Bill 1484 restores this bill to the form it was prior to the amendment put on by Senator Geokaris and clarifies that situation with...concerning the scope of employment of the bus driver. Senate Bill 1484 as it was...presented to the Body provided that a person who operated a school bus while under the influence of an intoxicating drug or liquor was guilty of a Class IV felony was amended to be a Class III felony. The House has put on Amendment No. 1 which restores it to Class IV felony and also adds some clarifying language so that the offense covers those situations where school children are involved, and I ask that the Senate do concur in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to concur with House Amendment No. 1. All right, on the motion, those in favor will vote Aye. Senator, do you plan to...Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. A parliamentary inquiry, please. This...I...I'm wondering...I'm assuming that you are...are concurring in House Amendment No. 1 and subsequently are going to nonconcur on...on the next two amendments. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, I am dividing the question. I'm going to nonconcur in House Amendment No. 2. I thought maybe I'd get a show of hands on House Amendment No. 3.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Well, just...just to make it clear to the Body, if we concur on this motion and then nonconcur on the two subsequent motions, the...the bill goes back to the House. An action opposing your two subsequent motions, as we did on a previous bill this afternoon, would cause the bill to remain in this Body. I personally would like to see this bill go to the Governor's Desk and a...in its...in its form.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm concurring with the first amendment, although I don't want to but rather than upset the sponsor, after all it's his bill, I'm going to go along on it, but there's an amendment here with emission standards...rather...and I'm not sure I want to vote for something like that and it's tied up in this bill, and I think the sponsor has a right, if he wants to nonconcur on that amendment and I think he has absolutely every right in the world to do it.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion is...the question is on the concurrence with the House Amendment No. 1. Question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1484. 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 53, the Nays are 1, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1484. Senator...Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I move that the House nonconcur...that the Senate nonconcur in House Amendment No. 2 to Senate Bill 1484.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to nonconcur in Amendment No. 2. Discussion? Senator Grotberg.

SENATOR GROTBERG:

I, for one, from Kane County, Illinois, will certainly assist Senator Joyce in nonconcurring on this matter because this is the House plan that puts the auto emissions program in a much broader stance than any of us have agreed to, and I think it is the sponsor's attempt to get this back...to get some adjustment made on it, and I don't know how the task force is coming but I would listen at this point to anyone on that task force from this side of the aisle or from the other side of the aisle, this one may be worth talking about.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

Thank you, just to follow that up, Mr. President, I concur with...with the Senator and the Madison and St. Clair County in this particular amendment as...as a whole, and I don't believe that those others who represent that area wish that to be a fact, so I would concur with the Senator on his motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Question to the...to the President or the Secretary.

Shouldn't that now read nonconcur since we're moving to nonconcur and not concurrence on the board, please?

PRESIDING OFFICER: (SENATOR BRUCE)

No, we're on the Order of Concurrence. We're...noncurrence would be a House bill...all right. Motion is to nonconcur. Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. I am on the task force. I think we should certainly be looking at some other solution to this since...as it turns out, according to our Environmental Protection Agency, the entire State was out of compliance for a total of one hundred and sixty-six hours. That's one hundred and sixty-six hours throughout the entire State; however, I am concerned what else might be put on this bill and I would suggest we better watch it.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to nonconcur with House Amendment No. 2. On the motion, is there further discussion? Those in favor say Aye. Opposed Nay. The Ayes have it and the Senate nonconcur. On Amendment No. 3, Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I move that the Senate do concur in House Amendment No. 3 to Senate Bill 1484.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to concur with House Amendment No. 3. Is there discussion? Senator Davidson.

SENATOR DAVIDSON:

I rise in opposition to this concurrence for two reasons. One is, I believe that this amendment is now technically...flawed if we...since the action we just took to nonconcur on Amendment No. 2. Second point is that this calls for decentralized testing. The committee which has been meeting on this is trying to resolve this, and try to



put an amendment on this bill that is an item which is part of the discussion between whether it's centralized or decentralized inspection, I think is not in order at this time, and I would urge defeat of the motion to concur.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rook.

SENATOR ROOK:

Yes, thank you. I also rise in opposition to the motion to concur. Senator Joyce and I have been on the same side all day and it's about time today that we...he voted for all my resolutions and everything. Fact is, if we concur in this, we are establishing that the Senate stands for that particular provision, and I'm not so sure at this point in time we ought to do that. We are talking about, in this Senate, as I understand it, a provision whereby the cost of this program will not be borne by the individual consumer, by the vehicle owner, but will, in fact, be paid by the State, and the fact is, if you have a decentralized system, you are only making that payment by the State more difficult because you will then have vouchers going to decentralized locations and it's just...it's unworkable. I would suggest that we do not want to foreclose this. The task force is still meeting and we will now be in a Conference Committee and we can express our point of view, but I don't think we ought to lock ourselves into this position.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. A parliamentary inquiry. If we concurred in this and the House refuses to recede from No. 2 and we...and it goes to Conference Committee, there is no requirement that the Conference Committee must come back with a...a decentralized recommendation. Isn't that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

That is correct.

SENATOR BERMAN:

So that...based upon that response, we are really not...as it's been suggested, locking ourselves in. It'll...it'll probably come back and that will be the...final determination regardless of...almost irregardless of what we do on this. I'm not sure that sheds any light on anybody's vote, but I just wanted you all to know where you stand.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, and...and...in view of Senator Berman's explanation, I think I should rise right now in favor of the concurrence of this amendment because I'm not on the task force and I'm not so sure those on the task force share the position that...that is should be decentralized. I would prefer, however, if, in fact, we could get the State to bear the cost for this program, as Senator Rock said, but I'm not...so sure that's going to happen either, so I think this is the opportunity for those of us who wish to have this system decentralized to vote to concur for this amendment and this just may be be our last shot.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Kenneth Hall.

SENATOR HALL:

Thank you, Mr...to the President and Ladies and Gentlemen of the Senate, as a member of the task force, I am for the State picking up this tab. I certainly...don't want to do anything to damage it. I have been for decentralization but the point is that I want to be absolutely sure that if we demand this and we put this on, the citizens of this State...that the State pays for it and...and Senator has said over there that when you think that in this entire State there were only an average of two hours in each day that this

State has been out of compliance and...one hundred and sixty-six total through the entire year in this great State of Illinois. Now, somewhere, somebody is wrong. So, I am going...I just want to be sure that when we get this that we make sure that the State picks up this tab because it was expressed in there, for instance, you take the people from Chicago, they will pay...they have some programs which will be lost...which was brought to us, five million dollars, but yet it'll cost the people in that area ten million dollars to have their cars run through, so it's just unreal, and I just don't understand what we're doing here except whatever we do if we put this on that...let the State pick up this tab.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Davidson.

SENATOR DAVIDSON:

I'm sorry to rise for the second time but, ladies and gentlemen, the bottom line is, and a number of you want no cost to the individual who owns the automobile if this becomes...this testing passes, there's no doubt if you're going to participate in that hundred million dollars worth of highway funds, we have to pass something. I am humbly suggesting to you that if you try to lock in this decentralization, and I agree with Senator Berman, we can rewrite anything on a Conference Committee report, but I certainly don't want any indication to members of Conference Committee that by voting this amendment on, that's an instruction of this Senate because a good many of us don't want decentralization; and if you want the State to pick up the tab, I can absolutely tell you from the negotiations I've been having on the second floor that you can forget about the State picking up the cost if you're going to try to decentralize this inspection. I urge you all to vote not to concur in this amendment.

*SB 1629  
concurrency*

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Jeremiah Joyce may close.

SENATOR JEREMIAH JOYCE:

Well, as Senator Bock has pointed out, I've sat here for the last hour and a half or two voting for all these crummie resolutions here, and now I need a little help and I think that those of you who had those resolutions that I put the Aye votes on should consider my assistance and vote Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall the Senate concur with House Amendment No. 3 to Senate Bill 1484. 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 23, the Nays are 31. The Senate does not concur with House Amendment No. 3 and the Secretary shall so inform the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of Senate Bills Concurrence Secretary's Desk, this is Senate Calendar Supplemental No. 2. Senate Supplemental No. 2, the Secretary's Desk Concurrence. We have Senate Bill 1629, Senator Vadalabene.

SENATOR VADALABENE:

Can I have some order here, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Can we have a little order.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Representative Shaw, would you break up that conference.

SENATOR VADALABENE:

I move to concur with House Amendments 1, 2, 3 and 4 to Senate Bill 1629. Amendment No. 1 to Senate Bill 1629 restores the current law of forty-five mile limit for con-

ducting simultaneous horse racing in Illinois which was reduced to thirty-five miles by Senate Amendment No. 3. Amendment No. 2 requires a uniformed security guard to be present when Lasix is administered to bleeder horses. Amendment No. 3 authorizes the racing board to employ hearing officer, and Amendment No. 4 reduces the mileage limit for conducting simultaneous racing from forty-five to thirty-five miles as provided in Senate Amendment No. 3, and I move to concur with those amendments, 1, 2, 3 and 4, to Senate Bill 1629.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Becker.

SENATOR BECKER:

Thank you, Mr. President. May I ask that my name be removed as a hyphenated sponsor on Senate Bill 1629, and I don't believe, ...Mr. President, I don't know if there's a mistake. If Senator Vadalabene would look, you were reading amendments...House Amendment 1, 2 and 3, 4...they don't...mine don't read the same as yours does. House Amendment No. 1, if I'm not mistaken, I have in front of me, it reduces thirty-five miles from forty-five miles under House Amendment 1. Do you have the same?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

House Amendment No. 1, if I recall, was the amendment that restored it back to forty-five miles. The House restored it back and then in Amendment No. 4 they took it back away. They...it reduced it back to thirty-five miles.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Becker.

SENATOR VADALABENE:

Senator Becker, if you recall, that amendment left here...it was a Senate amendment, it was Senator DeAngelis'

amendment and he put it on over here in the Senate. When it got over to the House, they took that amendment off with...House Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Becker.

SENATOR BECKER:

Senator, would you please repeat what you are agreeing to and what you aren't?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Amendment No. 1 to Senate Bill 1629...House Amendment No. 1 to Senate Bill 1629 restores the current law forty-five mile limit for conducting simultaneous horse racing in Illinois which was reduced to thirty-five miles by Senate Amendment No. 3, that was Senator...DeAngelis' amendment. Do you want me to go further? Amendment No. 2 requires a uniformed security guard to be present when Lasix is administered to bleeder horses. Amendment No. 3 authorizes the racing board to employ hearing officers, and Amendment No. 4...Senator Becker, I think this is the one that you're inquiring about, reduces the mileage limit for conducting simultaneous racing from forty-five miles to thirty-five miles as provided in Senate Amendment No. 3, and that was Senator DeAngelis' amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Becker.

SENATOR BECKER:

What about...what about No. 5, Senator Sam?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

That's coming up next after we vote on this...on these four amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

No, my question was on Amendment No. 5.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Is Amendment No. 5 the detention stall?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Senator Vadalabene, I do have one question on the...the four amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene. He indicates he'll yield, Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Senator Vadalabene, are all of these amendments now in a form where the whole Lasix business is going to be done as the Illinois Racing Board has requested or are we still passing a law which is contrary to their wishes?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Well, first of all, these amendments are...are put on the Lasix bill. The Lasix administration is the bill. Now, they've added these amendments to that bill. The racing board has never been for the administration of Lasix; however, beyond that, we've always seemed to...to pass it over their objections.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

So, if someone would like to accommodate the racing

board's view that Lasix should not be administered, I guess the thing to do is to vote No. Is...is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

No, Senator Netsch, the Lasix administration is already law. We've passed that and the Governor has signed that bill. What we are attempting to do with the Lasix legislation is to move it from the detention barn to the stalls to accommodate the...the horse owners and...and the trainers, and since we're making that provision, we're also providing for security guards and so forth to see that they are...held in their stalls rather than a long distance from the track in the detention barn, but the Lasix bill is already...they can do the injections but what we're trying to do now is bring them closer to the track.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco. Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. On this latex thing, I'd...I'd like...the...the Senators to know I did call up the vet in the state that is considered the best horse doctor, frankly, in the United States that takes care of all the polo ponys and...and what have you in DuPage, and he told me as far as he was concerned, that it was criminal not to administer this latex and he saw nothing wrong with administering it in the stalls. That...that it is...Lasix, I'm sorry, Lasix...Lasix...sorry about that, and if...certain horses do not receive this drug, what they do is...is, in effect, bleed to death. Their lungs literally burst open and they bleed to death and that it was literally criminal to destroy these kinds of animals without using a drug that is accepted by every...practically every veterinarian in the United States as a good one.



PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Just to rise in support of the concurrence motion on Amendments 1, 2, 3 and 4, and there's some confusion on our side. Amendment No. 5 is not included in this concurrence.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR LECHOWICZ:

Just for further clarification, according to Amendment No. 1, it does reduce the distance from forty-five to thirty-five miles as far as the distance required between race tracks, is that correct? It's a reduction.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

That...that's Senate Amendment No. 1 that was sent over to the House, that is right forty-five to thirty-five.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

The final...my final question...well,...along the same line, when this bill is concurred in with these motions, the...the final result will be a reduction to thirty-five miles. Is that correct? Number two, why do we need blood samples taken in the presence of uniformed security guards? Where did that come from and who's got the contract?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Maybe I can help out. The bill, as it was presented...Senate Bill 1629, which I...am cosponsor of, was presented for the purpose of affording the horsemen the opportunity to receive...for their horses to receive medication in a stall...a detention stall rather than a detention barn, and the administration of Lasix is something that the racing board was reluctant to get into but they, in fact, okayed it after this Assembly directed them to okay it. The racing board was not...is not in favor Senate Bill 1629 as introduced. In order to assuage the fears of the racing board, the House decided to require that blood samples be taken in the presence of a uniformed security guard. Now, on the backstretch there are all kinds of uniformed security guards hired by the race track. It is not a problem. It just requires that when they're going to administer this drug that one of those guards be present. It is an accommodation to the racing board. In my judgment, it will not do away with the racing board's objection but it's an attempt.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well,...can...can somebody else though maybe respond? Is the racing board then in concurrence and they actually want to support the provision to reduce the mileage restrictions to conduct simultaneous racing at different tracks at thirty-five miles...is the racing board in favor of that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco indicates he can answer this part. Senator D'Arco.

SENATOR D'ARCO:

...they...Senator Rock just indicated they don't have any position on that. Just that... you know, to tell you a...a

little bit about what this is. When they have to administer the Lasix in the detention stalls, those are separate stalls, and it's very cumbersome for them to do it that way. They rather do it in the detention barn where they can administer the Lasix to any number of horses at one time...under the supervision of a security guard whereby freeing up the stalls so other horsemen can run horses at the particular race tracks; because what happens is if they have to administer Lasix in a stall, then a horseman that way...want to run a horse will not be able to because he can't get into the track and put his horse in a stall. So, we're trying to alleviate that problem somewhat. The other provisions of the bill...you know, the industry seems to be...adhere to the other provisions of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Collins.

END OF REEL

REEL #8

SENATOR COLLINS:

Yeah, I...I need to ask...I need an answer to the last part of the question, who...you know, whether or not the racing board is in favor of reducing the distance and whether or not it's just to have races going on simultaneusly or whether or not there is an attempt to or a desire on the part of someone to create more race tracks?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock indicates he'll answer that.

SENATOR ROCK:

The board has taken no position on the reduction in mileage. It is a conflict of sorts between Ealmoral Race Track on the south side and Hawthorn and Sportsman's Race Track on the west side. There is no attempt by anyone to create or encourage additional capital expenditure or new race tracks, no.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Becker.

SENATOR ECKER:

Thank you, Mr. President. I'm getting some funny answers around here today. I rise in strong opposition to House Amendment No. 1. You're right, Senator Lechowicz, in asking the question...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR ECKER:

I believe Senator Rock has got a waving hand again.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...he indicates he can answer your concern. Senator Rock.

SENATOR ROCK:

Senator Becker, I know your...I know of your concern. You don't want to rise against House Amendment No. 1. Now this is typical, again, of what...how the House does things, okay? When we sent the bill to the House with the Senate amendment, it provided for the reduction from forty-five to thirty-five miles. By House committee action, which is House Amendment No. 1, they restored it back to forty-five miles, and if you look down the list, then House Amendment No. 4 reinstated the Senate amendment and reduced the mileage, so your opposition is to House Amendment No. 4.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Becker.

SENATOR ECKEB:

Thank you, Mr. President. Thank you, Senator Rock. I then will refer to House Amendment No. 4. Last year in this General Assembly a man tried desperately to add his amendment to a big bill that had no bearing on hcrses whatsoever and this General Assembly defeated it to reducing from forty-five to thirty-five. The Chair was requested to cverrule and this General Assembly stayed with the Chair and it was defeated. We're back again in this General Assembly this year to try to reduce from forty-five to thirty-five for one...and one reason only. There's a millionaire ten time over living in Cleveland, Ohio, who owns Balmoral Race Track. We have a man in Cicero who owns Sportsman's Race Track who does nothing but contribute to the senior citizens to reduce their mortgages and then to send checks for five thousand dollars to the Boy's Club, to contribute to the Community Chest Fund of our town; and the millionaire in Cleveland doesn't worry about anything that's happening in Chicago, he's only interested in one thing and one thing only, to run both tracks at the same time and help to destroy racing, and I want you to listen and listen closely, somebody said about the detention

barns, about bringing horses from one track to another. You're not going to transport a horse from Balkoral to Sportsman to put him in the detention camp, to hold him there, four hours later take him back to Balkoral because that track is closed. This amendment is going to do nothing but destroy Sportsman's Race Track that has been in operation by a gentleman...a gentleman who lives in Illinois, and that Governor on the second floor has decided recently to form a committee of thirty individuals, track owners, sportsmen, people from the private sector to study every racing section, article, whatever it might be pertaining to racing to come back to the Governor with recommendations, whether it be Lasix, whether it be reducing from forty-five to thirty-five, regardless of what it might be pertaining to racing to keep it straight and honest as the day is long. In Illinois we've started the lottery, we've started the bingo, we've got the races and we've got the tracks in good condition and yet the same individual, I hear, because Past Eddie Vrdolyak is getting into the act, that we're hearing different stories from different individuals at their microphones. Let's sit back and think for a minute and send all this garbage down to the second floor, tell the Governor to turn it over to the committee before he signs it, and say is it good for the State of Illinois and its eleven million people or is it going to destroy racing in Illinois, and to bring them dogs into Illinois would be a disgrace. I am in strong opposition to Amendment No. 4 and plead with this General Assembly to defeat this, send it to the Governor, bring it back to you people next year and let you consider everything that this committee is going to do to keep racing honest in this State, so, as you, as legislators, can be proud when you press a button that you know in your heart that you're doing what's right for sportsmen in the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I don't know if I rise on a...point of personal privilege, but let me just clear up a few facts. First of all, Amendment No. 4 passed out of this Body. There's nothing surreptitious about the institution...or reinstitution of that amendment on that bill, that's how it passed out of this Body. So, that amendment is nothing more than a restoration of something that came out of this Body, but there's been some inferences regarding as to why those amendments are going on. First, to clear the record, I was the sponsor of that amendment last year and, Senator Becker, with all due respect, the amendment was ruled nongermane when it amended the very same chapter, and it was the only ruling since I've been here in this Senate for six years that was ever declared nongermane that amended the same chapter, and I won't go into why. But secondly, the legislation as first set up which this seeks to change, as long as we're getting on sinister things, was introduced by a deceased Secretary of State to punish one race track in the entire State of Illinois. Now, I, myself, would certainly like to see the racing industry healthy, but killing a race track does not make racing healthy. In fact, if you will look at the receipts in the last three years, you'll find there's been a serious decline in that and some of the tracks that are trying to kill this have had a nice increase, but the State of Illinois, overall, has not. Now, regardless of where the investor might be, let me just tell you that the person that invested in this track has put in a considerable amount of money and is not...not...and he sent that statement to the racing board certified, has not made a nickel in the State of Illinois on this race track, in fact, has lost over two and half million dollars which is a heck of a lot more than most people are willing to invest in Illinois, and I don't think that ought

to be an issue. I think we ought to put the law the way it should be and the way it passed out of the Senate and we ought to turn around and do a...correct a wrong that was put in by somebody fourteen years ago or fifteen years ago.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR JONES:

Senator Sam, why the arbitrary figure of thirty-five miles? Why not drop it to ten?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Well, I think it's too late. You know, if...if you want to fool around, Senator Jones, it's fine with me, but thirty-five miles was the way it was voted out of here in the original Senate Bill 1629. It was...it was agreed to and I don't know why you want it to ten miles unless you have a specific track in your back yard.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Thank you, Senator, but you...you still didn't answer the question. The question is, why thirty-five miles an hour...I mean, thirty-five miles? Why not ten miles? What...what's the...what's the difference in the two? What tracks will be affected by it if it went down to ten miles?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock...Senator Rock indicates he wants to take that one.

SENATOR ROCK:



Well, you'll recall...prior to the Horse Bacing Act of '75, I think it was seventy-five miles, and I think there's an accommodation attempting to be reached. All of this, by the way, is subject to the approval...the sanction of the Illinois Bacing Board. This is not automatic. We are just removing the prohibition, but I think the thirty-five mile is important for the reason that there are...there are thirty-five miles between Sportsman's, Hawthorn and Arlington Park, and...and you certainly don't want a conflict in...in times of racing for those because they're dealing essentially with the same market. What Balmoral is attempting to do and attempting to persuade the racing board that it would be in the best interest of racing to afford them the opportunity to race thoroughbreds at night out at Balmoral at the same time, or perhaps overlap at the same time, that standardbreds are racing at Sportsman's Park, and that's what the conflict is.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Well, the reason why I posed...that particular question is because I know the City of Chicago may want to have a race track one day, and I would be in support of such, and if he reduced it to ten, the City of Chicago would be able to have a race track, but as long as you keep it at thirty-five miles, it'll be almost impossible. I... 'cause I know all of the patrons that...who are...who go to the race track are predominately from the City of Chicago, and it would be nice revenue generated for the City of Chicago. As it stands right now, it really doesn't benefit the city, that reason why I...I posed that particular question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Will the sponsor yield to a

question, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR NEWHOUSE:

Senator, we eliminated the use of the detention barn, and as I recall, the rationale was that it'd take too much time to walk the horses back and forth. I see in the...the amendment here indicates that there will be a detention stall. That detention stall is the stall owned by the owner of the horse. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

The stalls are owned by the track and the track gives permission to the horse owners and the trainers to use these stalls. Now, I don't know if they rent them or whether they just...how they come in there, you know, but the...the stalls are owned by the track itself.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

I guess the question I would raise is the whole question of security. We're...we're talking where...we're talking about a system where the horse owner, as I understand it, employs the vet. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

The horse owner employs who?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

The veterinarian.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

These are state...the...the veterinarians are employed by the State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Perhaps I'll make it this simple, could you just explain to me what the security is? What is the security arrangement?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Security, in my opinion, and I'm glad that I have a degree in jurisprudence, it means that someone is protecting something, in the language that I understand.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Maybe you misunderstood the question. The question I'm...the question I raise is that the...can you hear me, Senator? The question I raise is the whole...the whole...the whole issue here is a question of security of the horses during the period in which the medication is administered. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

That is correct, and he's uniformed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Then, Senator, could you explain to me exactly what the security arrangement is?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

When the legislation to administer Lasix under this new provision of 1629, it was requested and we put in the bill that a security guard be present during the administration of Lasix. Now none of these amendments that we're talking about here now refer to the administration of Lasix. We've passed that bill. What we're talking about here now is the amendments that was put onto this bill when it came...when we sent it over to the Senate. I thought we debated the Lasix bill, 1629, prior to it going over the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Unless...unless there's been a terrible mistake, I have a...an analysis here that...that clarifies the detention stalls and so forth while...the Lasix treatment is going on. Is that incorrect?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

I still don't hear you, Senator Newhouse, and you're very close to me, but...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco indicates he could hear a little better. Senator D'Arco.

SENATOR D'ARCO:

House Amendment No. 2 provides that the blood samples...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

The amendment says that a...the blood sample of the horse must be taken in the presence of a security guard. Now,

Senator Rock explained that earlier. The reason for that is because now it's going to be done in the stalls where the horse is housed and when that blood sample is taken in that individual stall, they want a security guard present in order to make sure everything is done properly, you know, I...that's...that's all that is.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Is the...is the...is the detention stall and the guard so secured that during the entire period that this takes place that we have that kind of security? That's the question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco. Senator Rock.

SENATOR ROCK:

The...the answer is, yes, and that's the whole purpose of this. The administration of Lasix is, again, subject to rules and regulations of the Illinois Racing Board, and when this Assembly afforded the horse owner the opportunity to use Lasix, it is done under the care and control of the Illinois Racing Board. The only change that Senate Bill 1629 seeks to make is that rather than have a detention barn, they will be afforded, by rule, a detention stall, and the purpose as I understand it from the horsemen who are interested in this is that thoroughbreds are very high strung and susceptible to disease, and if you get twenty or thirty thoroughbreds in the same barn, they don't like that. They've got stall space that they rent or buy from the track and they would prefer to have the administration of Lasix which is done under the care of the racing board done in the stall as opposed to taking somebody down the hall to a barn.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

One more question, Senator. You say the stall, is that stall the owners stall? Is it a separate stall? Is it a segregated stall? Where are they? Are there more than one stall in the barn for segregation? That's the question I would ask.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

It...it is a separate stall and I...and I say that...I'm not sure...what...what you're after, but the idea is rather than have twenty of us together in an office, it will be done separately in our separate offices, but it will be done, again, under the...under the supervision of the Illinois Racing Board and the proper security precautions, I am sure, will be taken. The House has now even said that the blood sample, which is necessary prior to the administration of Lasix, must be taken in the presence of a uniformed security guard so that there can be no perception or characterization of this administration of Lasix as anything but above board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, again...my confusion is still not...if there's going to be a separate stall and the rationale for not using a...a barn is that a number of horses together are likely to transmit something. If we have...I'm not sure that we could have only one horse at a time to whom this medication is going to be administered. Is there going to be a separate section in the barn? How is it going to work out as a practical matter?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Again, I'm sure what you're after. Yeah, I...I guess on

any race card on any given day, there might be as many as ten or twelve or fifteen horses that are treated with Lasix, and all this is saying is rather than put them all together in one barn, we're going to do it in individual stalls so that my horse doesn't have to come inle with your horse.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Are...are we saying that the barn doesn't have separate stalls?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

That's what we're saying.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTEBERG:

Well, thank you, Mr. President. I...you can tell by looking at me that my clothes have gone out of style since we first started this debate, but...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, they've gone out of style before we started debate.

SENATOR GROTEBERG:

I would like to ask you, Mr. President, what order of business are we on? Are we on Amendment No. 1?

PRESIDING OFFICER: (SENATOR SAVICKAS)

We're on concurrence of Amendments 1, 2, 3 and 4.

SENATOR GROTEBERG:

A simultaneous motion?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Yes.

SENATOR GROTEBERG;

None of which have to do with Lasix. Am I correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Right, I...I understand.

SENATOR GROTEBERG:

I would just remind the Body that...let's talk about the amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock indicates No. 2 deals with lasix. Senator Newhouse. Senator Groteberg.

SENATOR GROTEBERG:

Well, then to the bill, Mr. President. I reside in Kane County where we have had a hundred and ten acre dead horse track for a number of years. Various attempts have been made to bring it to life, and various and sundry attempts have always failed because those who...own tracks, and they're our friends...I'm not angry with any one of them, but there is a conspiracy abroad in the land to keep something above thirty and a half miles out of the Statutes, and whether this track has been operated by people that can't make it go or not, I don't know. I know it's in receivership now and I know that citizens of Aurora and north Aurora and the taxpayers of Kane County need some help, and somehow or another every bill that comes up is fifty-five, forty-five anything except 30.5, I believe it is, from the closest track, and someday when that bill comes around, I'd like a chance to amended it and until then, I don't really care whether any of these amendments go on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

A question to the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DAVIDSON:

In relation to the security guard or security



person...Sam, over here...is that security person...that individual once he's employed by the racing board for the purpose of security?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

He's employed by the track to offer security around the track, around the barns, anything that needs to be secured.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Well, I've just got nailed by a horse owner...trainer outside when I made a mistake of going to my office for...for a little food...to say that detention stalls is what's been set up in relation to detention barns so those horses which are bleeders are not...where they got a infectious or transmittible concern that makes the bleeding, I don't know, but the thrust behind going to the detention stall with the veterinarian doing it under the security is so that horse would remain in that stall and becomes a detention stall because it does have that condition. Now, a small...only a small percentage of the horses which race, whatever they are, whether they're flat track, trotter, pacers, have this condition and that part of being done in the detention stall per se under the State vet and the security guard, I have no problem with, and I...I think maybe you ought to all look at concurring on that point. As far as the mileage, that's someone else's fight.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Becker for the third time. Senator Zito.

SENATOR BECKER:

Pardon me, Mr. President. It is only the second time not the third, but I do want to personally thank Senator Philip

Rock for telling us why every one of us in this General Assembly should vote No on the entire package. Send it back...send it back to the Governor and his committee because you, Senator Rock, said this means nothing because the racing board must make the decisions. Now, let me add, the gentleman between Cleveland, Ohio, and Cicero was the same man who came into Illinois to buy the Chicago White Sox and was told by the commissioner of baseball, we don't field, you are good for baseball, we refuse to give you a franchise. He didn't get it. It's the same man who owns Balmoral who's trying to drive Sportsman's Park out of business. And, again, Senator Rock, I thank you for giving us a perfect reason in this General Assembly to vote No. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Becker, that's why we have a new commissioner of baseball. And moreover, that was not my message. I rise, obviously, in support of Senator Vadalabene's motion to concur in House Amendments 1, 2, 3 and 4 to Senate Bill 1629. We discussed this matter at some length with Senator DeAngelis last year. As you well know, I am probably as friendly to the people who own and...and run Sportsman's Park as anybody in the Chamber, but I really believe, given the fact that Balmoral Race Track and all the parimutuel employees and all the concessionaires and their employees and...and the...I...I think they ought to have a chance. Now we can't grant them that chance because we can't, under our law, dictate to the Illinois Racing Board the awarding of dates or times or any of that stuff, that's up to them. All we are...we are doing is affording the racing board that opportunity. If they don't want to do it, they don't have to do it, but we are not prohibiting it by law and I think

that's a fair chance, and I urge support for Senator Vadalabene's motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene may close.

SENATOR VADALABENE:

Just briefly, what is wrong with free enterprise? What is wrong with Balmoral competing with Sportsman's Park? What is wrong with one millionaire at Sportsman's Park competing with another millionaire at Balmoral? I don't know either gentleman, but I know that they are rich, and I move to concur with House Amendments 1, 2, 3 and 4 to Senate Bill 1629.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate concur in House Amendments 1, 2, 3 and 4 to Senate Bill 1629. 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? (Machine cutoff)...voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 20, 3 voting Present. The Senate does concur in House Amendments 1, 2, 3 and 4 to Senate Bill 1629. For what purpose Senator Becker arise?

SENATOR ECKER:

Verification of the affirmative call, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There has been a request for a verification by Senator Becker for the affirmative vote. Will all the Senators please be in their seats and will the Secretary read the affirmative vote.

SECRETARY:

The following voted in the affirmative: Ferman, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco, Dawson, DeAngelis, Degnan, Demuzio, Egan, Friedland, Geo-Karis, Hall, Holmberg, Jeremiah Joyce, Jerome Joyce, Kelly, Marovitz, Nedza, Netsch,

Rigney, Sangmeister, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Becker, do you question any of the affirmative votes?

SENATOR BECKER:

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce is sitting in the back with Representative Keane.

SENATOR BECKER:

Senator Buzbee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee? Is Senator Buzbee on the Floor? Senator Buzbee? Strike his name.

SENATOR BECKER:

Senator Jones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones. Senator Jones is voting Present. Senator Buzbee has returned to the Floor.

SENATOR BECKER:

Senator Demuzio.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio is in his seat. For what purpose Senator Geo-Karis arise?

SENATOR GEO-KARIS:

May I be verified because I got a call outside? Okay?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz is standing by his desk.

SENATOR BECKER:

...Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She's in a...she is on the...she is on the Floor. Do you question any further Senators?

SENATOR BECKER:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On that question, the Ayes are 30 and the Nays are 20, 3 voting Present. Amendments 1, 2, 3 and 4 to...Senate Bill 1629 have been adopted. Senator Vadalabene. Senator D'Arco.

SENATOR D'ARCO:

Move to reconsider the vote by which those amendments were adopted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco moves to reconsider the vote by which those amendments were adopted. Senator Chew moves to lay that motion on the Table. All those in favor indicate by saying Aye. Those opposed. The motion carries. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. We move on now to Senate...or House Amendment No. 5 to Senate Bill 1629 which is the dog license racing arendment, and I move that the Senate nonconcur with that House amendment. I believe legislation of that magnitude that affects the entire State of Illinois should have a committee hearing, should go through the process of the Senate and the House and should not be put on a bill at this late stage of the game. We are talking about major, major, major legislation, and I believe it's irresponsible at this time and this late in the Session to come in and allow the licensing of dog racing in the State of Illinois preempting those who are in favor of it and those who are against it...thanks, John, do you want something from me?...to vote on this and I move not to concur with House Amendment No. 5 to Senate Bill 1629.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene moves to nonconcur in House Amendment No. 5 to Senate Bill 1629. Those in favor indicate by

voting...saying Aye. Those opposed. The Ayes have it. The motion carries. A roll call has been requested. Those in favor of nonconcurring in House Amendment No. 5 to Senate Bill 1629 will vote Aye. Those opposed will vote Nay. The voting is open. The motion is to nonconcur. It takes a majority of those voting. On that question, the Ayes are...the Ayes are 46, the Nays are 8, none voting Present. The motion to nonconcur carries and the Secretary shall so inform the House. On the Order of the Secretary's Desk Nonconcurrency we have House Bill 598. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. On Senate Bill 598, I move to...to refuse to recede and have a Conference Committee appointed on that bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse moves not to recede from Senate Amendment No. 1 to House Bill 598. Is there discussion? Senator Schudeman.

SENATOR SCHUDEMAN:

Well, once again, we'd like the sponsor to explain what the bill did, what his objection is, we'd like to know what we're voting on here, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

It's the public aid increase bill, Senator. We're trying to work out something with the Governor's Office now and I want to get it into Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Newhouse moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 598 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The motion carries and the Secretary

shall so inform the House. House Bill 1658, Senator Marovitz. House Bill 2381, Senator Vadalabene. On House Bill 2381, nonconcurrence, Senator Vadalabene. House Bill 3036, Senator Welch. Senator Welch. House Bill 3057, Senator Hall. House Bill...Senator Hall, on House Bill 3057, nonconcurrence.

SENATOR HALL:

Thank you, Mr. President. I...I refuse to recede and ask for a Conference Committee be appointed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall moves that the Senate refuse to recede from the adoption of Amendment...Senate Amendment No. 1 to House Bill 3057 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. House Bill 3060, Senator Jerome Joyce. Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I would refuse to recede and ask that a Conference Committee be reported.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce moves that the Senate refuse to recede from the adoption of Senate Amendments 1, 2, 3...1, 2 and 3 and that a Conference Committee be appointed. Those in favor indicate by saying Aye...for what purpose does Senator Keats arise?

SENATOR KEATS:

Just...just we were asking for an explanation. I think I'm with him, but I'd just like to hear why.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr...primarily there is...there was a rate, one dollar...the present rate is one dollar a cubic foot for

low-level radioactive waste, and the amendment that was put on would increase it to five and we're going to bring it back to two.

PRESIDING OFFICER: (SENATOR SAVICKAS)

All right, Senator Joyce moves that the Senate refuse to recede from the adoption of Amendment...Senate Amendments 1, 2 and 3 to House Bill 3060 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The motion carries and the Secretary shall so inform the House. House Bill 3093, Senator Davidson. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I move that the Senate not recede from Senate Amendment 1 and 2 and ask for a Conference Committee, and the reason why we need to get it to a Conference Committee because they have found in...a mistake or some language that was not put in the body of the bill as it came through the process and we need to get it to Conference Committee to correct that error.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson moves that the Senate refuse to recede from the adoption of Senate Amendments 1 and 2 to House Bill 3093 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The motion carries and the Secretary shall so inform the House. House Bill 3102, Senator Bloom. Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. I would...I would move that we recede from Senate Amendment No. 1. The sponsor has directed me to make that motion. He sent me the message, "Recede from this. Love, George." So, I would then seek final passage, I guess, Mr. President, of 3102. To refresh your recollection, this clarifies portions of the Criminal Code concerning devices used for gambling,



what is contraband and subject to seizure confiscation and what have you, and I'll answer any questions; otherwise, send it down to the Governor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

...for clarification, Senator Bloom, you are receding from Senate Amendment No. 1. That is correct, right? And if I recall correctly, it was Senate Amendment No. 1 that effectively prohibited the State Lottery Board from attempting to use video-type forms of lottery whether on an experimental basis or not. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Yes, that is. When we put it on we thought that they still might be able to under an experimental basis but they went back over the language and basically went over to the House and said, no, it's too tight and so, the House refused to concur in Senate Amendment No. 1. That's essentially correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

So, the effect would be, if we take the action that you are recommending, that we would allow them to experiment with video-type lottery.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Yeah, I've discussed this with the Senate...the...the sponsor of the amendment, Senator Sangmeister, and he said, maybe on an experimental basis, and if there are problems, then we can address it next year.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, the only reason I put the amendment on is I discussed at the time we put it on is how far is the lottery going to go. You know, I imagine jar games is the next thing that's down the line. I thought we ought to send some kind of a message to the lottery that a lottery is a lottery and not to go into every possible conceivable gambling devise that we can do in the name of the lottery, but this is the Department of Law Enforcement's bill and they got a little nervous about it, I think, and they, you know, would just as soon that we wouldn't raise the issue at this time, but sooner or later, I think we ought to have some definition of what a lottery is in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall the Senate recede from amendment...Senate Amendment No. 1 to House Bill 3102. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. The Senate recedes from...Senate Amendment No. 1 to House Bill 3102 and the bill having received the required constitutional majority is declared passed. House Bill 3128, Senator Philip. House...House Bill...Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to recede from Amendment No. 1 and No. 2 on House Bill 3121.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rock.

SENATOR ROCK:

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

Senate. House Bill 3128, as it came over from the House, incorporates the Legislative Commission Reorganization Act as proffered by the Speaker and the Minority Leader, and we all know, I think, what that does. It essentially abolishes every commission and restructures...literally restructures the nine or ten service agencies of this General Assembly and puts all those agencies and all those employees and all those responsibilities and duties under the care, custody and control of the four leaders. Senator Philip and I have stood in resistance to the House plan and are still, I hope, standing there. By virtue of the Senator's motion to recede from our amendments which incorporated our plan, we will effectively be manifesting our pleasure or displeasure with the House's plan. So, I think the motion is appropriate and I would urge everyone who cares about the services offered by the service agencies and who has some interest in commissions and who supports the Senate version to vote a resounding No on the motion to recede from the Senate amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Philip. Senator Bruce.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of...of the Senate. I think Senator Rock has said it all. It'd be nice to see...59 red votes up there and give the other Body the real message.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate recede from Amendments No. 1 and 2 to House Bill 3128. 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 Yeas are 1, the Nays are 57, none voting Present. The motion having failed to receive the majority is declared lost...the bill is declared lost. All right, the

motion to recede loses and the Senate will request a Conference Committee. Senator Schaffer.

SENATOR SCHAFFER:

Having voted on the prevailing side, I move to reconsider the vote by which that motion lost.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer moves to reconsider the vote by which the motion lost. Senator Geo-Karis moves to Table that motion. Those in favor indicate by saying Aye. Those opposed. The motion is Tabled. House Bill 3136, Senator Kelly. Senator Kelly.

SENATOR KELLY:

Thank you, Mr...President and members of...of the Senate. I'd like to refuse to recede from Senate Amendment No. 1 and ask for a Conference Committee to be...appointed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 3136 and that a Conference Committee be appointed. Those in...Senator Keats.

SENATOR KEATS:

Just an explanation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Well, this is a...the amendment that went on there or the Christian Science amendment that the House is...is trying to remove from there and this is a...an amendment that's gone on many times in this General Assembly, and there is no reason in the world why it shouldn't stay right on there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The Ayes have it and the motion carries and the

Secretary shall so inform the House. House Bill 3255, Senator Lechowicz. Senator Carroll. We have...we have Senator Welch that's ready to move his bill. House Bill 3036, Senator Welch. Senator Welch.

SENATOR WELCH:

Thank you...thank you, Mr. President. I would move at this time to refuse to recede from the Senate amendments and request that a Conference Committee be called. The reason for my doing that is the amendment that I put on here in the Senate did not include funds going back to the state's attorney on attorney's fees, whereas the Senate bill that we passed and sent down to the Governor does include that, so I am asking that we appoint a Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch moves that the Senate refuse to recede from Senate Amendments 1 and 2 to House Bill 3036 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Vadalabene, do you wish to move 2381? Senator Vadalabene.

END OF REEL

REEL #9

SENATOR VADALABENE:

Yes, I refuse to recede to the Senate Amendment No. 1 to House Bill 2381. The Senate amendment that was sent over to the House would permit a charge to cover the entire cost of providing water and facilities, and it required a separate franchise agreement to directly impose a charge on a municipality or fire protection. House Bill 2381 originated in Godfrey, Illinois and inadvertently Godfrey was omitted from their own bill, and I want it sent to a Conference Committee to include them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Joyce. Discussion? If not, Senator Vadalabene moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 2381 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The motion carries and the Secretary shall so inform the House. Senator Joyce, for what purpose do you arise?

SENATOR JEREMIAH JOYCE:

Mr. President, I ask leave of the Body to return to Senate Bill 1714 for purpose of nonconcurring in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is granted. That Senate Bill 1714, Senator? It's on page 11 of the Calendar, at the bottom, Senate Bill 1714. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yes, Mr. President and members of the Senate, I ask that the Senate nonconcur in House Amendment No. 1 to Senate Bill 1714. Senator Joyce and I are discussing this and we've con-

cluded that this amount is indeed outrageous.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce moves to nonconcur in House...a roll call has been requested. Senator Joyce moves to nonconcur in House Amendment No. 1 to Senate Bill 1714. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Senator Grothberg, I'm sorry. Senator Grothberg, for what purpose do you arise?

SENATOR GROTEBERG:

Just because time has lapsed, I thought it would be nice if we went, once again, what it is this is about. Go ahead, maybe everybody knows.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, we're on the roll call...those who...those in favor on nonconcurring on House Amendment No. 1 will vote Aye. Those opposed vote Nay. (Machine cutoff)...all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, the Ayes are 23, the Nays are 33, none voting Present. The motion to nonconcur fails. For what purpose does Senator Rock rise?

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Now that we have effectively gone through the regular Calendar and the two supplemental Calendars, before we close out our business to return at noon tomorrow, noon tomorrow, yes, we will have...be having a meeting of the appropriations chairman and minority spokesman at 11:00 a. m. in my office with representatives from the Governor's Office and the House, so...so we will convene at noon. In the meantime, I have filed two motions to reconsider earlier votes and I would like to get to that order of business. I have filed a motion on House Bill 2876. You'll recall...earlier today, on page 17 on the Calendar on the Secretary's Desk Nonconcurrency on House Bill 2876 there was a Senate Amend-

ment No. 1 which was offered and adopted by this Senate and approved by this Senate which I offered on behalf of Speaker Madigan to attempt to address a problem with respect to the assessment of taxes in a special service district. There was some lack of communication or misunderstanding with respect to where this amendment would wind up and we receded on Senator Joyce's motion, with which I concurred, we receded from our Senate amendment. It has been requested again by the Speaker that this bill be kept alive for that purpose of attempting to address the question of assessment of taxes in a special service area. So I would move to reconsider the vote by which this Body receded from Senate Amendment No. 1 to House Bill 2876 and ask that it be again placed on the Calendar.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock has moved to...has asked leave to go to the Order of Motions for the purpose of reconsidering the vote by which House Bill 2876 had lost. Is leave granted? Leave is granted. Now Senator Rock moves that...that House Bill 2876 be reconsidered. All those in favor indicate by saying Aye. Those opposed. The motion carries. There will be a roll call needed, it will take thirty votes. Thirty affirmative votes. Those in favor of reconsidering the vote by which House Bill 2876 failed 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 45, the Nays are none, none voting Present. The vote to reconsider the vote by which House Bill 2876 failed is...carries. Senator Rock. Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I would refuse to recede on House Bill 2876.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce moves that the Senate refuse to recede from



the adoption of Amendment...Amendment No. 1...Senate Amendment No. 1 to House Bill 2876 and that a Conference Committee be appointed. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. On that same order of business, I have filed a motion and I have talked with Senator Barkhausen. He does not, I will tell you, agree with my motion but I did speak with him about an hour ago. Earlier today, on page 16 on the Calendar on the Order of Secretary's Desk Nonconcurrency, we addressed House Bill 2542 and Senator Barkhausen moved this Body to recede from Senate Amendments 1, 2 and 3 to House Bill 2542. That motion prevailed and I voted on the prevailing side, and having voted on the prevailing side, I wish to reconsider the vote by which the Senate receded from Senate Amendments 1, 2 and 3. And I am doing this, again, at the request of House members, who I am told had the understanding that House Bill 2542 would also be subject to a Conference Committee to deal with these matters. And I would, again, move to reconsider and I will yield to Senator Barkhausen for a contrary point of view, I am sure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I had...subsequent to President Rock speaking to me and filing his motion, I had filed a motion in writing with the Secretary asking that Senator Rock's motion to reconsider the previous vote lie upon the Table.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

I would appreciate it if the gentleman would withhold

that momentarily at least, that motion is nondebatable. The subject matter is...is of concern to many of the House members, and I'd yield to Senator D'Arco in support of my motion to reconsider.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, thank you, Mr. President. Originally, I spoke on this bill because I thought it was a bad bill, and I gave my arguments on the bill and I indicated that it was special legislation in its worst form and then we adopted a series of amendments. And the reason the amendments were adopted was to placate enough Senators so that the bill could pass with thirty votes. And then I was told that there was a compromise reached and that the bill would go to...to the House in its natural order of things, and it would come back to this Chamber and a Conference Committee would be appointed. Now, I wasn't told that by Senator Barkhausen, I admit that. I was told that by another Senator who had an interest in one of the amendments. But the point is that I didn't argue on 3rd reading against that bill because of the fact that there was some concession reached when the bill arrived on 3rd reading. Now I think in the interest of what is fair and right, the bill should go to a Conference Committee and...

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Philip arise?

SENATOR PHILIP:

A parliamentary inquiry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR PHILIP:

As you know, things move around here pretty quickly and I'm wondering...ask the Clerk if this bill is in our possession?

PRESIDING OFFICER: (SENATOR SAVICKAS)

The motions were filed before the Message was sent so technically the bill is in our possession...in our purview. Senator D'Arco.

SENATOR D'ARCO:

If there are enough votes to pass this bill, fine, then let it pass, but don't do the injustice of receding from those amendments without giving the House members and this Chamber an opportunity to vote on the merits of that bill. I support Senator Rock's motion, and I think every Democratic Senator and Republican Senator should support it as well.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I...I must say that I was caught a little bit by surprise when approached by Senator Rock earlier this afternoon. I felt that we had fully debated this bill and certainly the House had done so. The point was made by Senator D'Arco that we're somehow depriving the House of their opportunity to act on this bill but, in fact, they had passed the...the same measure that...that would have...would effectively have passed this Chamber by our receding from the Senate amendments. They passed the bill 104 to nothing, and...and then the bill came over here, it passed 10 to nothing in the Senate Local Government Committee and then somehow in the eleventh and a half hour, and I'm not totally sure why, the bill I guess became somewhat controversial and...and Senator D'Arco, I guess, did have a problem with the bill and...and spoke up against it earlier. But if there was any understanding that this bill was to go to a Conference Committee, I...I certainly wasn't a part of that, maybe some House members expected that and I'm...I'm resisting it because I do know that there are some people in the House who are opposed to the basic measure of

this bill. So it's obviously in my interest as the sponsor of this bill not to have it go to the Conference Committee, and as for those who are interested in...in the various Senate amendments from which this Body receded 52 to 1 earlier this afternoon, it was pointed out and I thought that the argument had been accepted that there are Conference Committees galore that will be going around...on around here in the next couple of days dealing with various provisions of the Municipal Code, and if any of the members feel strongly about their amendments...and frankly, one of the amendments that was stripped off was one that I had placed on myself to take care of another community in my district, but I'm not...not so troubled by that as I am trying to...to pass this basic measure for the benefit of Long Grove which is a community in my district. So, I...I feel that, you know, as far as our own prerogatives are concerned that this...this matter is in our hands. It's a House bill that came to the Senate and was overwhelmingly supported in the House. All the amendments were Senate amendments, so far be it from the House to say that they're not having a chance to vote on this measure when they gave it their overwhelming approval earlier in the Session. So, for that reason, I...I resist Senator Rock's motion. I feel that we have acted and we don't need to be overly deferential to the House in giving them another shot at this and sending it to the Conference Committee when, in fact, there will be numerous Conference Committees available to all of the members. So I would resist the motion and that is why I had fold my...filed my own motion that Senator Rock's motion lie on the Table. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That motion is not debatable. No, we're on...we're on the motion to Table. Senator Barkhausen had held his motion to let you make your comments. Senator Barkhausen's motion is nondebatable, his motion is to Table and it is in order.

Now those in favor of Tabling Senator Rock's motion will vote Aye. Those opposed will vote Nay. The voting is open. It takes thirty votes. Have all voted who wish? Have all voted who...wish? Take the record. On that question, the Ayes are 25, the Nays are 30, none voting Present. The motion having failed to receive the required number of votes is lost. Now, Senator Rock.

SENATOR ROCK:

...thank you, Mr. President, Ladies and Gentlemen of the Senate. I would now move...wait, Senator Kelly, I'm...but...

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Kelly arise?

SENATOR KELLY:

Are we voting on another bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

I...I...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Mr. President, I have another motion before we adjourn I'd like to have considered and I'd like to...

PRESIDING OFFICER: (SENATOR SAVICKAS)

We're not...we're not on that order of business right now Senator Kelly.

SENATOR KELLY:

I know, but...I'd like to have leave if I could...could have...go to that afterwards, come back to me before we leave.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Now, I would like to again place the motion to reconsider the vote by which this Senate receded from Senate Amendments 1, 2 and 3 to House Bill 2542. That motion requires thirty affirmative votes and upon its approval, if it is approved, the bill will then revert to the Calendar and will again be subject to Senator Barkhausen's complete custody and control. But I just want to reconsider the action that we did, and so I would pursue my motion to reconsider the vote by which we receded from those three Senate amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've...you've...heard the motion, the motion is to reconsider the motion by which those three amendments had lost. 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 33, the Nays are 24, none voting Present. The motion to reconsider the vote by which Amendments 1, 2 and 3 lost carries. Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

To request a verification, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification...Secretary, would you ring the bell. A verification has been requested by Senator Barkhausen. And will all the Senators be in their seats. Will all the Senators be in their seats. And will the Secretary read the affirmative votes.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen, do you question any of the affirmative votes?

SENATOR BARKHAUSEN:

I withdraw my request for a verification.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On a verified roll call, the Ayes are 33, the Nays are 24, none voting Present and the motion does carry. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Thank you, Mr. President. Now I'd ask leave to move to the Order of Resolutions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly...requested leave to go to the Order of Resolutions. Is leave granted? Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

No...go...I'm sorry, I'm...I'd like to be recognized in a minute, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Okay. Leave is granted. On the Order of Resolutions.

SENATOR KELLY:

Thank you, Mr. President, members of the Senate. I would like to now ask leave to have SJB Constitutional Amendment No. 3 recalled from the Executive Committee and discharge the committee from further consideration and place this resolution on the Senate Calendar tomorrow for hearing and consideration at twelve o'clock, noon.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is leave granted?...Senator Buzbee. Senator Buzbee.

SENATOR BUZBEE:

Mr. President, I move we adjourn.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That...that motion is in order and it's nondebatable.

Senator Vadalabene, that motion is not debatable, for what purpose do you arise?

SENATOR VADALABENE:

Senator...Mr...Mr. President, before we adjourn, there's a meeting of the Executive on Appointments at nine-thirty tomorrow morning in Room 212.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly. Senator Zito.

SENATOR ZITO:

I move that Senator Buzbee's motion lie on the Table.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The motion to adjourn is not debatable. On that motion, those in favor to adjourn will vote Aye. Those opposed will vote Nay. The voting is open. Motion to adjourn has 9 votes, 39 Nays, none...10...Yeas, 38 Nays, none voting Present. Mr. Secretary, would you take the record. The motion having failed to receive a...thirty votes is declared lost. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and certainly those that supported us on that motion. Now, Mr. President, I move to have SJR CA, Constitutional Amendment 3, recalled from the Executive Committee and discharge the committee from further consideration and place this resolution on the Senate Calendar tomorrow for hearing and immediate consideration at twelve o'clock, noon on Friday, June 29th, 1984.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Senator Buzbee.

SENATOR BUZBEE:

I would ask for a Democratic Caucus at this time, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That motion is in order. That motion is always in order. Senator Philip.



SENATOR PHILIP:

Would request a roll call, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A question of a caucus has never required a roll call, it does not provide it in our rules. Our rules provide that any member on either side of the aisle may request a caucus and that motion is in order. Senator Kelly.

SENATOR KELLY:

Well, I suppose we can caucus because we can talk about it, but I don't plan to change my position. And I'd like to get a feeling from the Chair that we return here if we do have a caucus in thirty minutes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, there's an awful lot of leeway, there was a matter before this Body which is going to a roll call. We can have the caucus immediately after the roll call. It's at the discretion of the Chair. Let me just point out to you that yesterday we had the same situation develop. And in turn, maybe there's something in this row, but it seems that if the matter is not within someone's favor, someone gets up and asks for a caucus, okay. Now, if you want to play that game, we'll play it for...from now on out, you know, it doesn't make a difference to me. But I, personally, believe that this gentleman in all good faith deserves a roll call and...deserves it now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, we were not on a roll call, we were on discussion. And during that discussion, Senator Buzbee requested a caucus. Senator Bruce.

SENATOR BRUCE:

I would just hope that we honor the request. Last Friday I got to a motion of mine on 2838, then the Republican Party

asked for a caucus and never returned. And so all I would like to do...well, if you...if you came back, I was one of two people on the Floor when we finally decided to give up and adjourn for the weekend. But Senator Buzbee's request is that we have a caucus and I believe that's appropriate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Well, once again, if we do have a caucus, which I'm not in favor of, if we do have it, let's hold it to thirty minutes and I want a...I'd like to see...I don't know if...if anything else is further going to occur but I...I just feel that we should just...right now just act on this...motion right now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The limitation of the caucus is not within the power of the Chair, that's through the caucus chairman and the membership themselves. Senator Lenke.

SENATOR LENKE:

Yesterday, Senator Joyce got up and asked for a caucus and we did not have a Democratic Caucus, we play two games. One guy recognized a caucus, all of a sudden somebody else wants a caucus, so what's going on? I think, let's take a...we can have a caucus after we take a vote on the...on Senator Kelly's motion and we can stay all night, won't have to limit ourself. And we can discuss the merits of every other piece of legislation, but I think it's only proper. If Senator Jeremiah Joyce had to wait, he hasn't had his caucus yet...Senator Buzbee can wait. So, what's fair is fair, we're not denying a caucus but what's fair is fair.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell. Let me tell you, we have Senator Fawell, Zito, Johns, Joyce and Degnan. Senator Fawell.

SENATOR FAWELL:

Mr. President, I ask for a Republican Caucus.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That...that motion is always in order. Senator Zito.

SENATOR ZITO:

Mr. President, it would seem to me that whether we caucus now or caucus tomorrow or caucus Saturday, Senator Kelly is going to persist with this motion. Let's vote it up or down, whether you're pro-life, pro-choice, pro-nothing, let's get it done with and move on with the business of the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

...thank you, Mr. President, Ladies and Gentlemen of the Senate. I think Senator Zito is right, whether you like it or not, all you're doing is prolonging this. When we come in in the morning we're going to be back to the same argument. We don't need a caucus on this side, you don't need a caucus on that side, let's get it over with.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I concur in what the two previous speakers have said.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

There'll be a caucus in Room 212 immediately.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Yeah, back to yesterday, Mr. President, thank you very much. When Senator D'Arco objected to Senator Joyce's request for a caucus and Senator Bruce talked us out of a caucus, now he's trying to talk us into a caucus. Can we get a ruling from Senator Bruce?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce, you have a new ruling today?

SENATOR BRUCE:

I guess my persuasive talents...were such that they withdrew their request. I don't know of a time when...in the years I've been here that a request has not been granted to have a caucus. Well, then what are we still talking here? Let's go.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

You know, we all know what's going to happen...and that's fine. But before we do that, I'd like to get in the record that Senator Mahar is home convalescing because of an operation. Now we know...you're going to go to the caucus, nobody is going to go there and this is it for today, so Merry Christmas and Happy Hanuka.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Mr. President, for the record, I would request that Senator Buzbee and Senator Johns reconsider their position and not ask for a Democratic Caucus so once again we can get on with the business of the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

As Senator Johns indicated, we'll have a Democratic Caucus immediately in Room 212.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

I...I agree, we ought to go to the...to the conference, but if...this order of business we should go to tomorrow at

noontime.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We shall return right after the caucus. The Senate will stand in Recess for thirty minutes.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. The question before the Body at the moment of Recess was the motion to discharge the Executive Committee. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I'd like to ask for leave to address SJR CA 3 tomorrow at noontime rather than this evening. We said we were only going to take thirty minutes and it's been over an hour and a half and there's many members that aren't here. So with leave of the Body, we would address this issue tomorrow at noon.

PRESIDENT:

Get to the motion to discharge tomorrow. Senator Demuzio moves that the Senate stand adjourned until tomorrow at the hour of noon. Tomorrow at noon.