

63RD GENERAL ASSEMBLY

REGULAR SESSION

JUNE 30, 1984

PRESIDENT:

The Senate will come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this afternoon by the Reverend Stanley Milewski, Sacred Heart Church, Springfield, Illinois. Father.

REVEREND MILEWSKI:

(Prayer given by Reverend Milewski)

PRESIDENT:

Thank you, Father. Reading of the Journal.

SECRETARY:

Wednesday, June the 20th, 1984.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

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

PRESIDENT:

You've heard the motion as placed by Senator 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 is so ordered. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I move that reading and approval of the Journals of Thursday, June the 21st; Friday, June the 22nd; Monday, June the 25th; Tuesday, June the 26th; Wednesday, June the 27th; Thursday, June the 28th; Friday, June the 29th, in the year 1984, be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Johns. 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 the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill with the following title:

House Bill 2546 with Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8 and 9.

And we have like Messages on House Bill 2547 with Senate Amendment 1.

2637 with Senate Amendments 1, 2 and 3.

2638 with Senate Amendments 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 15, 16, 17, 18, 20, 21 and 22.

House Bill 2640 with Senate Amendments 1, 2, 3, 4, 5, 6 and 7.

House Bill 2664 with Senate Amendments 1, 2 and 3.

And House Bill 2785 with Senate 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 recede from their Amendment No. 1 to a bill with the following title:

Senate Bill 833.

The House requests the first Conference Committee and the Speaker has appointed the members on the part of the House.

I have a like Message on the following Senate Bills with the requests for a conference and the Speaker appointing the members on the part of the House.

Senate Bill 1217, House Amendments 1, 3, 4, 6, 7 and 8.

Senate Bill 1522 with House Amendments 1, 2 and 3.

Senate Bill 1629 with...House Amendment 1.

Senate Bill 1743 with House Amendments 1 and 2.

Senate Bill 1746 with House Amendment 6.

Senate Bill 1841 with House Amendment 5.

And Senate Bill 1928 with House Amendments 1 and 2.

PRESIDENT:

All right. The House has requested a Conference Committee on Senate Bills 833, 1217, 1522, 1743, 1746, 1841 and 1928. Senator Bruce moves that the Senate accede to the request of the House and that a Committee on Conference be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. If you'll take a look at Supplemental Calendar No. 1, again, in order to expedite the paper work, Senators Sommer and Schaffer and Carroll, I think these have all been determined that they will be resolved in conference and therefore it is incumbent upon us, I presume, to refuse to recede. With leave of the Body, we'll go...Supplemental Calendar No. 1, House Bill 2546. Senator...with leave, Senator Carroll will handle that for me. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move that we refuse to recede from Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8 and 9. And that a...conference be requested.

PRESIDENT:

Senator Carroll moves that the Senate refuse to recede from the adoption of Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8 and 9 and that a Conference Committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. All right. House Bill 2547, again, with leave of the Body, Senator Carroll.

PRESIDENT:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move that the Senate refuse to recede from Senate Amendment No. 1 and that a Committee of Conference be appointed.

PRESIDENT:

All right. Senator Carroll has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 2547 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. Senator Kustra on House Bill 2637.

SENATOR KUSTRA:

Mr. President, I refuse to recede on all amendments, I'm told.

PRESIDENT:

All right. Senator Kustra moves that the Senate refuse to recede from Senate Amendments 1, 2 and 3 to House Bill 2637 and asks that a Conference Committee be appointed. All...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. 2638, Senator Sommer.

SENATOR SOMMER:

Mr. President, I move to refuse to recede on all the amendments.

PRESIDENT:

All right. Senator Sommer has moved that the Senate refuse to recede from the adoption of Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8...6, 7, 9, 10, 13, 15, 16, 17, 18, 20, 21 and 22 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. 2640, Senator Sommer.

SENATOR SOMMER:

Mr. President, I move to refuse to recede on all amendments.

PRESIDENT:

All right. Senator...Sommer has...has moved that the Senate refuse to recede from Senate Amendments 1, 2, 3, 4, 5, 6 and 7 to House Bill 2640 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. House Bill 2664, Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that the Senate refuse to recede from Senate Amendments 1, 2 and 3 and that a Committee of Conference be appointed.

PRESIDENT:

All right. You've heard the motion. Senator Carroll has moved that the Senate refuse to recede from Senate Amendments 1, 2 and 3 to House Bill 2664 and that a Conference Committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. House Bill 2785, Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. A like motion that we refuse to recede from Senate Amendments 1 and 2 and that a Committee on Conference be appointed.

PRESIDENT:

All right. Senator Carroll has moved that the Senate refuse to recede from the adoption of Senate Amendments 1 and 2 to House Bill 2785 and that a Conference Committee be appointed. All in favor...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. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, I was wondering if you want to start House Bill 243

*HB 243
nonconcurrance*

on its path.

PRESIDENT:

Okay. With leave of the Body, we'll go to the Order of...page 8 on the Calendar, on the Order of Secretary's Desk Nonconcurrance. House Bill 243, Senator Vadalabene.

SENATOR VADALABENE:

Yes, Mr. President and members of the Senate, I refuse to recede from Senate Amendment No. 1 and ask for a Conference Committee to be appointed.

PRESIDENT:

All right. Senator Vadalabene has moved that the...Senator Vadalabene has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 and that a Committee on Conference be appointed. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. There's been great concern about this bill for a number of days. We've watched it on the Calendar. As a member of the Pension Laws Committee, I was...Commission, I was aware of a letter that was addressed to the President of the Senate requesting that all House pension bills be held in Rules Committee in the Senate. I concurred with that letter and the President concurred. There have been a number of pension bills passed out of the House which I think are...are extreme, and I...I predict that what we're going to see if we send this bill to conference is all those bills, or many of them, appear on the Conference Committee report, and once again, we're going to be into the pension giveaways at the end of the Session; and I...I have a pretty good idea who the players are, and I suspect that the person that's seeking to have this bill put in the Conference Committee is the same one who wrote the President and asking him to hold all those bills in committee, and...in Rules. And I really think that we should not recede, that we

should vote this motion down unless we want to look at a lot of pension giveaway bills on that Conference Committee report. I urge a No vote.

PRESIDENT:

All right. Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. As you well know, the Rules Committee has taken a good bit of heat on holding a...a great many of these vehicles in Rules, and I, too, think that it would be a wise idea to concur in this amendment, get it out of here, and not muddy up the water.

PRESIDENT:

All right. Senator Vadalabene has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 243 and that a Conference Committee be appointed. A roll call has been requested. Those in favor of Senator Vadalabene's motion will vote Aye. Those opposed...Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think this is an important issue and if votes...switches are voted that...where members are not here, I intend to ask for a verification. So we ought to know that before we vote.

PRESIDENT:

All right. Senator Berman.

SENATOR BERMAN:

Parliamentary inquiry. The...what's the vote count necessary to...for Senator Vadalabene to prevail? Just a simple majority?

PRESIDENT:

Simple majority on a refusal to recede, that is correct.

SENATOR BERMAN:

Thank you, Mr. President.

PRESIDENT:

Yes, Senator...Hall.

SENATOR HALL:

Well, we got a number of our people off the Floors at these committees, and I think it would be unfair to deny people a chance here, you got them on both sides. I just walked in, some of them are down there right now. Are we going to insist that people who are in committees...

PRESIDENT:

No...no...no...no...no...I...you...you misapprehend what the Chair is about here. We were...I was requested to go to this order of business for this purpose by the sponsor, and he is the one that placed the motion. If he doesn't wish to place the motion, we'll get to it later. Yes, sir, I hear you. Senator Vadalabene has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 243 and that a Conference Committee be appointed. Those in favor of Senator Vadalabene's motion 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 21 Ayes, 23 Nays, the motion fails. It sits there. 1563, Senator Savickas. 1658, Senator Marovitz. All right. Senator Luft is seeking leave of the Body to handle that for Senator Marovitz as the hyphenated cosponsor. Is leave granted? On the Order of Secretary's Desk Nonconcurrency is House Bill 1658. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would move that we do recede from Amendment No. 1. Amendment No. 1 increased from twenty-five to fifty dollars the minimum personal allowance given those currently eligible for the Federal SSI. The Department of Public Aid felt that that money was not there. It was my amendments, so I would move that we recede from Amendment No. 1 to House Bill 1658.

PRESIDENT:

All right. Senator Luft has moved that we recede from Senate Amendment No. 1 to House Bill 1658. This is final action. Is there any discussion? The question is, shall the Senate recede from Amendment No. 1 to House Bill 1658. 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...51 Ayes, 2 Nays, none voting Present. The Senate does recede from Senate Amendment No. 1 to House Bill 1658 and the bill having received the required constitutional majority is declared passed. House Bill 1704. I understand...Mr. Secretary informs the Chair that a motion has been filed. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1704, I move that we suspend Rule No. 5, nonconcur and ask a Conference Committee be appointed. This hopefully will be the vehicle for our emissions program. Senator Davidson and Senator Savickas I think have been working on a good program and hopefully later on we'll use this vehicle.

PRESIDENT:

All right. You've heard the motion as placed by Senator Philip. Any discussion? If not, all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senator Philip now moves that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 1704 and that a Committee on Conference be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Sam.

PRESIDENT:

He's not on...oh, there he is.

SENATOR FAWELL:

I thought I would tell you that the rabbit lived.

PRESIDENT:

Senator...Senator Sam, for what purpose do you arise?

SENATOR VADALABENE:

Bev, this is Sam. Why did you bring the rabbit on the Senate Floor?

PRESIDENT:

All right. With leave of the Body, we're going to move to the Order of Resolutions. Where is Senator Kelly, please? Page 5 on the Calendar, on the Order of Secretary's Desk, Resolutions. It is the...the appropriations people will be meeting again at two. My thought is to accommodate the membership, we will deal with resolutions, those that are currently here, and Senator Geo-Karis has one that has to be filed, and Senator Joyce has one to be filed and I don't know what else is out there. And then we will Recess until the hour of four o'clock to allow the conferees to finish their meetings, to get the reports circulated, filed, and have them placed on the Supplemental Calendar which will be available when we return at four o'clock. Senator Netsch.

SENATOR NETSCH:

Thank you. As long as you are going to be doing resolutions, Mr. President, could we do the one that adopts the arguments for and against the Constitutional Amendment and the form of the ballot? We do need to get that concluded.

PRESIDENT:

That is on, as I understand it, the Order of Resolutions. House Joint Resolution 174, the top of page 6, to which order we have asked leave to move immediately. On the Order of Secretary's Desk Resolutions is Senate Resolution 700. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. Senate Resolution 700 is the Respect Life Week resolution. It's passed...been accepted and passed this General Assembly for about the last eight years and I would ask for your support. It points...it makes the week of September 30th through October 7, 1984 as a...as Respect Life Week. It's a national...and this particular resolution...if you read it, even if you were pro-choice, there's nothing in here that's...it's strictly respecting all human life and collective appreciation of human life, and we selected that weekend in October for that purpose. And I'd ask for your support of this resolution.

PRESIDENT:

All right. Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is one of those four resolutions that were agreed upon by both sides of the aisle. And I support Senator Kelly in his motion and ask this side of the aisle to support it.

PRESIDENT:

Question is the adoption of Senate Resolution 700. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. 719, Senator Joyce.

SENATOR JEREMIAH JOYCE:

No, wait...it's...it's...it's 131.

PRESIDENT:

This is...no, this is Jerome. Page 5, middle of page 5, your name is all over it.

SENATOR JEROME JOYCE:

...wake up this morning.

PRESIDENT:

All right...Senate Resolution 719, Senator Joyce.

SENATOR JEROME JOYCE:

H 98174

Yes, thank you, Mr. President. This is about...commending...or recommending that Congress would take action on the Joliet Arsenal and...it's a similar one that we've passed not too long ago.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Same speech, Mr...

PRESIDENT:

Question is the adoption of Senate Resolution 719. Any...further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. 741, Senator Bruce. Senator Bruce on the Floor? HJR 33, Senator Dawson. HJR 71, Senator Marcovitz. HJR 169, Senator Berman. Senator Berman, on the bottom of page 5 is House Joint Resolution 169, Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. HJR 169 designates July as Register the Disabled Voters Month and urges that they be registered to vote. I move the adoption of HJR 169.

PRESIDENT:

Senator Berman has moved the adoption of House Joint Resolution 169. Senator Schuneman.

SENATOR SCHUNEMAN:

We support the motion, Mr. President.

PRESIDENT:

All right. The question is the adoption of House Joint Resolution 169. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. HJR 174, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. HJR 174 incorporates the...find the argument for and against the proposed Constitutional Amendment that will be on the ballot this Novem-

ber and also sets out the form of the ballot, which...all of which is required by State Statute. It was a joint Senate-House bipartisan committee, all members of the committee signed and agreed to the form of the argument as well as the...the ballot form. I think this...the conclusion was that both the argument for and the argument against had been presented fairly from the perspective of those who held the respective positions. I would move the adoption of House Joint Resolution 174 unless there are questions.

PRESIDENT:

All right. Senator Netsch has moved the adoption of House Joint Resolution 174. Question? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I just want to ask, does this, Senator Netsch, just apply to veterans? Does...does it include any other types of organizations besides veterans...that...

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

The proposed amendment itself...let me see if I can find the language real quickly, just a second...would authorize the General Assembly to exempt property used exclusively for veterans' organizations and for patriotic purposes. There are two new categories of authorized exemption that would be added to that part of the Constitution if the amendment were approved by the voters. One, veterans' organizations not otherwise defined; the other patriotic, purposes. Those are the two new categories of authorized exemption.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDENT:

Sponsor indicates she'll yield, Senator Maitland.

SENATOR MAITLAND:

Senator Netsch, I generally want to support the concept but what bothers me about this is some of these organizations have buildings that they lease out and really make money on. And I question, really, the...the...the need to do that for those...those kinds of...of buildings.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Yes, I think you're a month or so too late with respect to that concern. The amendment...the proposed amendment has already, sometime ago, been adopted by...or proposed, I should say, by both Houses of the General Assembly. This resolution is only the arguments for and against that will be made available to all of the voters. I...I would just add one question and I'm...was not one who...who voted Yes on the proposed amendment, as you did, I think. But I would point out that...and this is a point that is made clear in both the argument for and the argument against, that the proposed amendment authorizes the General Assembly, it does not compel the General Assembly, so that in theory there is some control that could be exercised at a later point.

PRESIDENT:

All right. Senator Netsch has moved that...moved the adoption of House Joint Resolution 174. 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 51 Ayes, no Nays, none voting Present. House Joint Resolution 174 having received the required constitutional majority is declared passed. Senate Joint Resolution 122, Senator Philip. Secretary's Desk Resolutions, middle of page 6, is

Senate Joint Resolution 122, Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 122 authorizes the State...Highway Authority to provide the building of FAP 431. As you know, we've discussed it, I'm not sure what we're going to do, quite frankly. As you know, it's in a Conference Committee report and we haven't come to any conclusion on it, but to authorize that if we do it at the last minute, we have to pass this resolution in both Houses. Be happy to answer any questions and ask for a favorable consideration.

PRESIDENT:

Any discussion? Any discussion? (Machine cutoff)...has been alerted that amendments have been filed. Senator Philip, can we take this out of the record for a moment for the...we will get the amendments. Okay. We'll be...come right back to it. In the meantime, Senator Bruce has returned to the Floor from his Conference Committee on Senate Resolution 741, SR 7-4-1. Secretary's Desk Resolutions, middle of page 5, Senate Resolution 741, Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. We have worked on this, I have spoken with Senator Davidson, who had a good deal of interest also in this. This is in hopes of resolving the differences between the parties on House Bill 2838 and that is this resolution would request that the Governor's Advisory Council to the Bureau on Disability and Adjudication Services submit a report to the Senate by November 1st of this year detailing the change both implemented and planned for implementation in the Bureau of Disability and Adjudication Services. That is the one over which we've had some discussion. I believe that frankly this is what we ought to do. The Technical Advisory Committee is willing to do this, and they will submit a report back to us to find

what...what changes they have made and what they do plan to make and have this in time for us to take a look at the...the Fall Session.

PRESIDENT:

Discussion? Senator Bruce has moved the adoption of Senate Resolution 741. Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I support this motion. We have worked out and this is hopefully a solution among all parties concerned. I'd move we adopt it.

PRESIDENT:

The question is the adoption of Senate Resolution 741. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. (Machine cutoff)...all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Resolution 741 is adopted. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I'd like leave to suspend the appropriate rules...

PRESIDENT:

Now, wait...wait just a minute, we're not there yet. I'm still trying to get Senator Philip accommodated here. We're still on the Calendar on the Order of Secretary's Desk Resolutions is Senate Joint Resolution 122. The Chair has been informed there are two amendments. In the meantime, Senator Philip has still...Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I would like to ask leave of this Assembly to suspend the appropriate rules to consider and adopt Resclution No. 742.

PRESIDENT:

All right. Resolutions, Mr. Secretary. Let's read the resolution. Then...then your motion will be in order.

SECRETARY:

Senate Resolution 742 offered by Senators Geo-Karis, Philip and Savickas.

PRESIDENT:

Senator Geo-Karis has now moved to suspend the applicable rules for the immediate consideration and adoption of...for the immediate consideration of Senate Resolution 742. Is...all in favor of the motion for immediate consideration indicate by saying Aye. All opposed. The Ayes have it. All right. Before the Body now is Senate Resolution 742. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there is two additional cosponsors, Senators Berman and Macdonald, and this resolution asks to memorialize Congress and the President of the United States to look into the civil rights of the...orthodox Christians...to the protection of civil rights to the orthodox Christians because recently we have learned that the...the people, the Christian people's churches, their properties are being...confiscated and the Turkish citizens of Greek descent cannot buy or sell real estate, thus creating the expectation their homes and businesses will be confiscated. And, incidentally, this resolution was sent to me by our former colleague, Senator Maragos, and I would like to ask your...it's happening in Turkey, and we're asking the Assembly here to support this resolution and pass it.

PRESIDENT:

All right. Senator Geo-Karis has moved the adoption of Senate Resolution 742. Discussion? Senator Weaver.

SENATOR WEAVER:

I was just wondering, is this happening in your district,

Senator, or where is this?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

No, Mr. Weaver, I was born in Greece and not in Turkey. It's happening in Turkey to the Christian citizens and the cosponsors of this resolution, as you heard, were Senators Philip, Savickas, Macdonald and Berman.

PRESIDENT:

All right. Senator Geo-Karis has moved the adoption of Senate Resolution 742. Any further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the resolution is adopted. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Yesterday I filed with the Secretary Senate-House Joint Resolution 131 which was assigned to Executive. I would, at this point, like to make a motion to move to discharge the Executive Committee from further consideration of House...Senate-House Joint Resolution 131.

PRESIDENT:

All right. Senator Joyce has sought leave, as did Senator Geo-Karis, to immediately consider Senate Joint Resolution 131. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I would like to ask the sponsor if he's talked to anybody on this side about it. I don't...I don't know whether I'm for it or against it, but maybe he could take it out of the record and talk to us about it.

PRESIDENT:

All right. Why...why don't you just...tell them that all we want to do is get the consideration of it and then you can vote it up or down. Okay. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, as...as President Rock has indicated, I just want to get the matter before the Eody so we can discuss it.

PRESIDENT:

Why don't you explain the resolution.

SENATOR JEREMIAH JOYCE:

Oh. The resolution, Senate-House Joint Resolution 131, would establish a study group, the members of which would be appointed by the leadership of the House and the Senate. The study group would be established for the purpose of looking at Real Estate Statutes and ordinances in the State of...as they deal with antisolicitation...maintenance...integration maintenance, et cetera. This...Senator Schuneman, this has the complete and total support of the Illinois Real Estate Board and I've talked to a number of what they call housing centers throughout the...throughout my area.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

We support the discharge motion, Mr. President.

PRESIDENT:

All right. The question is the motion to discharge the Committee on Executive from further consideration of Senate Joint Resolution 131 for the purpose of its immediate consideration. All in favor of the motion to discharge indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Now before the Body is the question of Senate Joint Resolution 131. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I think I've explained what the resolution does in my discussion on the motion to discharge, and I ask for its...for its adoption.

PRESIDENT:

All right. Senator Joyce has moved the adoption of

Senate Joint Resolution 131. Any further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives refused to recede from their Amendments 1 and 3 to a bill with the following title:

Senate Bill 1541.

The House has requested the first Conference Committee and the Speaker has appointed the members on the part of the House.

I have like Messages on the following Senate bills with House amendments.

1547 with House Amendment 1.

1548 with House Amendmets 1 and 2.

1733 with House Amendments 1, 4, 5, 6, 7, 8, 9, 10 and...11, 13 and 16.

Senate Bill 1893 with House Amendments 16 and 93.

Senate Bill 1939 with House Amendments 1 and 2.

PRESIDENT:

All right. The House has refused to recede and has requested Conference Committees on Senate Bill 1541, 1547, 1548, 1733, 1893 and 1939. Any discussion? If not, Senator Vadalabene moves that the Senate does accede to the request of the House that a Conference Committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. It's so ordered. Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

Mr. President, I wondered if it would be possible to...in light of the understanding that I had with chairman and the minority spokesman and the members of the Executive Committee

to discharge the Executive Committee from further consideration of Senate Joint Resolution 123 which was the one having to do with the Item Veto. You may recall, I was going to...I...drawn up and filed on June 14th, a substitute resolution which rather than calling on Congress to call a Constitutional Convention simply urges Congress to adopt a Line Item Veto Amendment to the U. S. Constitution to submit to the states for ratification. I...I would...

PRESIDENT:

I...I...I would defer to Senator Schuneman, the same remarks go both ways. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. It's my understanding that Senator Egan...that Senator Egan joins Senator Barkhausen in this motion, and if you will recall,...the hearing in Executive Committee, many of the members supported the idea of the Item Veto but they did not support the idea of calling for a Constitutional Convention. The suggestion was made to Senator Barkhausen that day that he redraft the resolution and apparently that's been accomplished. So, I support him in his motion and I believe Senator Egan does to.

PRESIDENT:

All right. Senator Barkhausen, would you be kind enough to repeat the number?

SENATOR BARKHAUSEN:

It is Senate Joint Resolution 123.

PRESIDENT:

...all right. Senator Barkhausen has moved to discharge the Committee on Executive from further consideration of Senate Joint Resolution 123 for the purpose of immediate consideration. All in favor of the motion to discharge indicate by saying Aye. All opposed. The Ayes have it. The motion carries. It's so ordered. Now before the Body is Senate Joint Resolution 123, Senator Barkhausen.

SENATOR BARKHAUSEN:

Again, briefly, Mr. President and members, what the resolution is is a urging on our part that the Congress adopt an amendment giving the President the power to line item veto or reduce appropriation bills, which is a...a power that over the years many have...have urged that the President be given. As you know, Governors not only in this State but in forty-three states have a comparable power, and while it is not a total solution to our problem of a large Federal budget deficit, it could go a long way towards a solution to this grave problem to our economy. I would urge the adoption of the resolution.

PRESIDENT:

All right. Senator Barkhausen has moved the adoption of Senate Joint Resolution 123. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Before we...as I indicated, there are a number of Conference Committees going on. The appropriations people want to get back together at two o'clock in the Senate President's Office and we will, thus, those who are not directly involved will...the Senate will stand in Recess until the hour of four o'clock, then, to afford the opportunity...no, we're not going to Recess yet, we're going to handle Senator Philip's thing...to afford the members an opportunity to finish their conferences and to afford the clerical...the Secretary an opportunity to get a supplemental Calendar. So, return again to page 6, Senate Joint Resolution 122, Amendment No. 1, Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate...Amendment No. 1 to Senate Joint Resolution 122 is a recommendation for the...Bond Counsel. Be happy to answer any questions. Move its adoption.

PRESIDENT:

All right. Senator Philip has moved the adoption of Amendment No. 1 to Senate Joint Resolution 122. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Sangmeister.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

I would request that that amendment be withdrawn.

PRESIDENT:

All right. Senator Sangmeister has withdrawn Amendment No. 2. Now before the Body is Senate Joint Resolution 122 as amended. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the resolution that authorized FAP 431 to be done as a Illinois tollway. Be happy to answer any questions and ask you for favorable consideration.

PRESIDENT:

All right. Any discussion? Any discussion? If not, the question is, shall the Senate adopt Senate Joint Resolution 122. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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 41 Ayes, no Nays, none voting Present. Senate Joint Resolution 122 is adopted. All right. Senator Hall now moves that the Senate stand in Recess until the hour of four o'clock. At four o'clock we'll begin work on the Conference Committee reports.

RECESS .

REEL #2

AFTER RECESS

SENATOR DeANGELIS:

Mr. President, I move to nonconcur with Conference Committee...first Conference Committee report on House Bill 2400.

PRESIDENT:

Alright. The question is put in the affirmative. Senator DeAngelis.

SENATOR DeANGELIS:

Yes. I move we do not adopt Conference Committee report, No. 1 on House Bill 2400.

PRESIDENT:

And you are requesting the appointment of a second Conference Committee.

SENATOR DeANGELIS:

And I am requesting appointments of a second Conference Committee Committee.

PRESIDENT:

Alright. The question is, shall the Senate adopt the Conference Committee on House Bill 2400. 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, there are 9 Ayes and 9 Nays, none voting Present. The Senate does not adopt the Conference Committee report on House Bill 2400. The Conference Committee report is not adopted and the Secretary shall so inform the House and indicate that we request the appointment of a second Conference Committee. Second Conference Committee has been requested by Senator DeAngelis. 598, Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I move that this Body do accept the Conference Committee...report on Senate Bill 598.

The Conference Committee amended House Bill 598 to put in the energy assistance money. This is agreed by both sides and by the Department of Public Aid, and I would asks its adoption.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 598. 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 45 Ayes, none voting No and 1 voting Present. The Senate does adopt the Conference Committee report on House Bill 598 and the bill having received the required constitutional majority is declared passed. (Machine cutoff)...Sangmeister on 1474. On the Order of...Senate Calendar Supplemental No. 2 Conference Committee report on House Bill 1474. 1-4-7-4, Senator Sangmeister.

SENATOR SANGHEISTER:

Thank you, Mr. President and members of the Senate. The Conference Committee report on House Bill 1474 has already been adopted by the House, and if you recall, this is the...the bill whereby we will allow a race track in St. Clair County. This has been tightened up so the law now only applies to population of two hundred and twenty-five thousand to three hundred thousand inhabitants, and any taxing district upon a majority vote of its governing authority may abate the taxes and not to exceed a period of ten years and to give them the tax incentives that they need to build this race track down in St. Clair County. If there's any questions, I would answer them; if not, I now move that the Senate adopt the Conference Committee report to House Bill 1474.

PRESIDENT:

Alright. The motion is to adopt the Conference Committee

report on 1474. Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, Ladies and Gentlemen of the...of the Senate, I...I rise in support of the motion. I think the...the new language that we have before us in this Conference Committee report is...is a substantial improvement, and I would ask for an Aye vote.

PRESIDENT:

Alright. Any further discussion? Further discussion? Senator Netsch.

SENATOR NETSCH:

Senator Sangmeister, the bill does one other thing, does it not...or the Conference Committee report?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Netsch, you are correct. The..second provision in this report amends the Motor Fuel Tax Act to essentially restore language which was changed by Senate Bill 1420, which was an tax amnesty bill. The amnesty bill raised tax penalties by fifty percent across the board. Because the motor fuel distributors bond requirements are linked not only to tax liability but to potential tax penalties that amnesty bill in effect increased their bond maximum. While the Department of Revenue might not have required larger security bonds, it was nevertheless felt that the Legislature should ensure that there was no impact from the amnesty bill on the maximum bond requirements. The changes in this bill will ensure that effect.

PRESIDENT:

Any further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 1474. 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 53 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee report on House Bill 1474 and the bill having received the required constitutional majority is declared passed. (Machine cutoff)...Lemke, for what purpose do you arise?

SENATOR LEMKE:

Just a point of information. What are the Senate rules in regards to a Conference Committee that we passed that is not dated? What date applies to the...date that the Conference Committee was signed? This was a question that was raised sometime ago, and I wanted to know.

PRESIDENT:

Yeah. I...I think, Senator Lemke, as...as the...as the roll call is put together with the action on the report that the date would correspond. Senator Lemke.

SENATOR LEMKE:

You mean the date we called the motion...

PRESIDENT:

Correct.

SENATOR LEMKE:

...if it was undated and we passed it, that would be the date? Okay. Thank you.

PRESIDENT:

That is correct. That would be journalized, yes, sir. Senator Grotberg, for what purpose do you arise?

SENATOR GROTBERG:

I wondered, sir, if you could call 2857. I'm supposed to be three places and it's only noncontroversial, one-second motion.

PRESIDENT:

Alright. Senator Grotberg asks leave to go out of order and get to...the Conference Committee report on House Bill

2857, so that he can attend his Conference Committee...other Conference Committee meeting. Leave granted? Leave is granted. On the Order of Conference Committee reports, the Conference Committee report on House Bill 2857, Mr. Secretary.

SECRETARY:

House Bill 2857. The first Conference Committee on Senate Amendment No. 1.

PRESIDENT:

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President, and thank you for the leave. The correction has been made to the Publication Act for township notices and the term "English language" has been added to clarify it, and I would move the adoption.

PRESIDENT:

Alright. Senator Grothberg has moved the adoption of the Conference Committee report. Is there any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 2857. 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 55 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee report on House Bill 2857 and the bill having received the required constitutional majority is declared passed. Senator Kelly on the Floor? 2454, Senator Kelly. 2458, Senator Medza. On the Order of Senate Calendar Supplemental 2, Conference Committee Reports, the Conference Committee report on House Bill 2458. Mr. Secretary.

SECRETARY:

House Bill 2458, first Conference Committee report with...Senate Amendment No. 1

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Conference Committee...the first report on the Conference Committee, the changes that were made in the Conference Committee was removing language concerning signs that were visible from two directions. There was some problem with IDOT with that. They had to correct that in order for them to signoff on it, that was done; delayed the effective date until January the 1st, 1985, which was requested by the industry; made it perfectly clear that unlawful signs are not grandfathered and exempted signs on public property from any new restrictions. Those were the only...oh, and it also deleted the Act from any of the primary signs...several of our colleagues from downstate had a problem with the bill, so what we did is exempted all of the primary highways and all we left in was the expressways. That was the only changes to the bill, and I move for concurrence or acceptance of the first Conference Committee report.

PRESIDENT:

Alright. Senator Nedza has moved the adoption of the Conference Committee report. Discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Kustra.

SENATOR KUSTRA:

Senator Nedza, you mentioned the industry. Who is the industry? Who wants this bill?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Well, I don't know...the industry when I...referred to

the industry, the industry, whoever is their spokesman down here, requested that the effective date be delayed on the bill, and that's what we tried to accommodate whoever it was. If you came to me with a request, that's what we did, as we did eliminate all of the primary highways in the State of Illinois at the request of other legislators.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Well, I...I'm not going to ask a lot of rhetorical questions. I think I know who the industry is. The industry is an outfit by the name of Foster and Clymens. Now, it's my understanding, that they control about eighty percent of what's going on in the outdoor advertising business. I happen to have a constituent that came to me, he's a small businessman, and he's one of the many people who were left with the other twenty percent of the business, and I also have a Chicago Tribune article here that's about billboards and about the work of Terry Gabinski and the Chicago City Council and how they're trying to freeze out the little guys. I wish I could give you and...and lay out for you every last sentence of this Conference Committee report, but quite frankly, what it does, the long and short of it, is that it freezes out those little guys. That's the way this thing has been drawn up. I think it stinks to high Heaven. It's drawn, there's already been people who stood on the Floor here and talked about a conflict of interest, they don't want to get involved. I think this thing stinks, and it ought to go down.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Senator Kustra, just spoke my mind on this issue, and I think it should go down.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand under this conference report...in the original bill, that the owner of land upon which...for instance, Foster and Kleiser would want to put a sign is not precluded in asking his own price from Foster and Kleiser? In other words, if Foster and Kleiser wanted to put a sign on my land, would I be limited in what I would want them to pay for putting the sign on my land?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Whatever agreement the...the two enter into, that's the...whatever payment they would receive.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, under your conference report, then what you're saying is just the permit fees are X number of dollars, is that right, from the municipality or what have you? Or does it reply to...does it apply, rather, to private citizens? And the reason I'm asking the question, I've had experience with Foster and Kleiser and they like to make a lot of money from their signs and pay very little for the use of the land. I know. They...rent a part of mine, and I got them out of there.

PRESIDENT:

Further discussion? Senator Degnan.

SENATOR DEGNAN:

Thank you, question of the sponsor?

PRESIDENT:

Indicates he'll yield, Senator Degnan.

SENATOR DEGNAN:

In your opening remarks, Senator, you said this helps the little guys. Can you explain that more fully?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

I'm afraid I don't recall...making a statement that it helps the little guys. I didn't refer to little guys or the big guys or anybody.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Do you identify some problems for the little guys and the union sign painters in this bill?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

No, and I'm glad you asked me that question, because earlier this evening I received a...a telephone call from the painters' union, and Mr. Toch who was in Washington and Mr. Walsh was calling in his behalf. He had received some telephone calls by whoever, and everybody has been pushing their button to call whoever they are calling; and then I made it perfectly clear to him...he says, I'm worried about the downstate guys and I'm worried about the little guy, and I said, this has no effect on anybody with the exception of the City of Chicago. And then, he was not aware of the content of the bill. He was aware of a telephone call that he...received from someone telling him that it was a terrible bill and that they should go out...and probably some of you in this Chamber have received some telephone calls. If you

read the bill, contrary to some of the comments that have been made, it is not the bill that is designed to eliminate the little guy, and to Senator Kustra, may I just say this, if Foster and Kleiser, and I don't know that this is their bill, if they are eighty percent of the industry, then they are the industry.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Is...is Leo Toch of the painters' union for this bill?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Leo Toch is in Washington, another gentleman by the name of Walsh called in his behalf. I explained the bill to him, he did not know the bill. I explained what the Conference Committee report was, he then concurred. Senator Savickas was witness to my conversation at the time.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

...thank you, Mr. President, arising a second time, apologize, but one question I'd like to...one question that I'd like to ask the sponsor, will he yield?

PRESIDENT:

Indicates he'll yield, Senator Jones.

SENATOR JONES:

In the Conference Committee report, you are changing the...the feet from five hundred feet apart to fifteen hundred feet. Now why is this so, and why do...why are you changing it..changing it to wherein those signs can be erected this close together from five hundred to fifteen hundred feet?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Senator Jones, before I respond to you, may I make an apology to Senator Savickas. He was in the room at the time that I was on the telephone, so I don't want to put him in the...in the middle of this. If you recall, many years ago, Senator Jones, this has been attempted a few other times. When...when Lyndon Johnson...Lyndon Baines Johnson was the President of the United States, Lady Bird Johnson was on an environmental control kind of thing with signs and eliminating signs on all the interstate expressways throughout these entire United States because it was a proliferation. So if you want to construe this as to a...an environmental thing, fine, but...the distance, the spacing between the two is because the signs are getting larger and higher, and...unfortunately, they are of some kind of a calamity that you have to have enough space between the signs. If you want to misconstrue this as a...or construe it as a safety factor and...environmental factor, but they have unfortunately just blatantly everybody has gone out and wherever it's at, just put up a sign anywhere, and that's one of the reasons to space them. So there is some need for what I have just mentioned, the environmental impact, the safety factor, and also that if you have a sign and there's a height limitation on it, that you have a sign that you can read. So whoever is going to be paying for their advertising in effect would have some distance between the signs instead of having them one up against the other.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

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

PRESIDENT:

Indicates he'll yield, Senator Coffey.

SENATOR COFFEY:

Senator Nedza, in your statement earlier you had said that downstate is not affected by this bill. As I understand, the only thing that was eliminated from downstate is the primary system, the interstate system is still in this bill.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Yes, Senator Coffey, that's quite true. When I was...what I was mentioning because of the problem that...several of the legislators did have was the primary highways, because I understand that, there's a considerable amount of advertising on that. This bill only...calls to the interstates throughout the expressway system in...in the State of Illinois, not any other highway. That...that has been deleted from this bill.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Thank...thank you, Mr. President. I...and I think because of that, it probably does not create a problem with the interstate system downstate, and the primary has been removed as far as a lot of difficulty for us downstate, but I think, you know, that we should take a good look and I don't live in the city, so I don't really know but fifteen hundred foot seems that it might possibly eliminate some of the smaller persons wanting to erect signs and for you people in the city, I just bring that to your attention. I have no idea, you know, how far apart those signs are now, but we could possibly be eliminating the small person from coming in and putting in a sign. If already most of the signs in that area are fifteen hundred foot, we will lock a large sign company into having a monopoly on the sign service in that

area.

PRESIDENT:

Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President, Ladies and Gentlemen. If this bill were to pass, in which I hope it does not, you could kiss the industry good-bye with the exception of Foster and Kessler, whatever the name is. They virtually dominate the industry now, and they're just getting a total lock and to lock small sign companies totally out of business. They had put...put a couple of signs downtown Chicago, Senator Coffey, and in order to get Kleiser...Foster and Kleiser to remove them, there had to be a court order. They're just that brazen. We have several small companies, and if this bill goes through, they can close their doors because they will not operate anymore. It should not be adopted, and we should vote this down and leave the law just as it is 'cause, otherwise, we just...up in adding to monopolization by the giant. Now, and the sponsor said, if they're eighty percent, that it is the industry. I tell you what, I'll take the difference of a hundred percent and eighty percent anytime. So we got twenty percent people out there trying to make a business go, and I'll...I'll swing with these small people.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Joyce.

SENATOR JEREMIAH JOYCE:

Senator Nedza, you know, all I know is, I received a call from a constituent who indicated that he was the president of...of some small association or group that was opposed to this, and he really didn't get into all of his

reasoning...reasons, so I'm not...I'm not altogether certain why, but let me ask you a few questions. Is there a permit issuing a permit and reissuing a permit or how does that thing play on this?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Well, I'm not an expert in the business, Senator Joyce, but from what my understanding is, is that people come out and they have...and they purchase a...a permit. You own a piece of property and you come in and then they pay a five dollar fee for that permit in order to have a sign erected on there and then it's plotted that's there a sign to be erected. What happens, unfortunately, is that people...it's just like prospecting for oil, it's a lease. It's a land lease, it's an oil lease or whatever it be. They take this lease and they...and they lock it up and then...then when a company comes along at any given time, those that hold this paper are...then they barter it, sell it, auction it or what have you and that's one of the...another point that this bill is aiming itself at...that if you do secure this permit, that when...within a twelve-month period, you must erect the sign instead of just locking up area to auction it off, to get that...part of the business out of the business.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, you know, not knowing anything about it, I would guess that that's probably what the bigger companies do rather than what the smaller companies do. But let me ask you this, it...do...do...the...does the municipality issue a permit every year or does the State issue a permit every year, or...once...once you get your sign up, are you up there for as long as you want to be up there, as long as you're

paying money to the person who owns the property upon which your sign is?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

You have an agreement with the owner of the property and that's an annual payment for whatever you agree to. The permit that is given to the...if it's along the expressways or depending on the jurisdiction, be it IDOT or be it the City of Chicago or...or whomever, they are...they...renew the fee for the sign. Then there is another fee for the construction of the sign which would be a permit fee which is just like you would go into the house and you're building a home or something, you would have a fee for the construction of your home, as the same is with this.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

So there are, in some instances, two permits involved; one for the construction of the sign, and another or...or two involvements with the municipality, one for the construction of the sign, and one for some annual fee that is paid. Is that right?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Senator, as they do with every sign,...the City of Chicago...the local pub that has a sign, there's an annual fee for that sign. It's...it's a constant fee, it's...with any sign that's being hung, whether it be one of these advertising billboards or what have you. They even pay for the sign to...the signs that they paint on the side of the buildings.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Does...does this preempt home rule?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

I...trying to find it. I haven't seen the language in here, but I think the expressway system does, but I can't refer to the exact language in the...'cause it's directing itself directly to the...the Highway Act. It may, Senator, I don't...I don't...I'm trying to read the language and I don't want to take up everybody's time to find it. Perhaps you can answer it.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

No, I...I don't. I don't know the first thing about this deal other than...I would ask the...the President at the appropriate time for a suggestion from him as to whether or not this preempts.

PRESIDENT:

I've asked the Parliamentarian to check that right now. Senator Collins.

SENATOR COLLINS:

Yes. Question of the sponsor. Senator Nedza, you're...you're saying that this law then...this fee I see and the five dollars doesn't have anything to do with signs inside of the City of Chicago, but if it's on a highway, for example, would...would Madison Street be included in here, because it is under the...defined as a highway, under the Illinois Transportation Act?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

No, ma'am. Madison Street would not, because if it was a highway, that would be a primary highway as opposed to an expressway. This report only deals with expressways. And relating back to...one of the handlers just told me that this...this does not deal with home rule, Senator Joyce, as far as we know, because it deals with the Transportation Highway Act which is only relevant to the expressways.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I...I apologize for rising a second time, but if this bill is in fact for Foster and Kleiser, Foster and Kleiser is six blocks from my home, and all I've heard over the phone is screams of anguish from both small sign makers and union painters, and I rise in opposition to the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

...point of information. Senator Nedza, I...and I could care less about this whole matter, to be honest with you, except for the fact that a guy named Stapleton who lives in my ward called me on it and had some concern, and the union, Leo Toch. Now, I've just been told...I've just been told and called to the door, told that Leo Toch is opposed to this. So on that basis, I'm opposed to it.

PRESIDENT:

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

SENATOR NEDZA:

Thank you, Mr. President. Now, Senator Joyce, if...if...if somebody had just called you to the telephone that Leo Toch is...is against the bill in whatever reference, I would question the validity of that because of the fact

that Leo Toch is not in the State of Illinois. Leo Toch is in Washington and...Mr. Walsh who is...is representing him is here. I had spoken to him about an hour prior to coming on this Floor, they were not at that time because they were...they were under the impression that the bill was in its..in its original form as we had the bill, they were opposed to that. When we eliminated all of the primary highways, they are not opposed to that. It only dealt with the expressways, and as...slightly as we can tell them over the phone, as to the content of the bill and reading the bill, then they withdrew their objection at that time, and I was speaking to a Mr. Walsh and I'm not talking...and I'm not speaking for Mr. Toch. Wherever the calls are coming from, I don't know. There were seventeen operators of various small advertising companies down here the past two days. They were called here at the call of the lobbyist who was lobbying against the bill, and that's his job and I...I have no argument with it. But I do have an argument when they misconstrue what the truth of the bill is as opposed to saying it belongs to one particular industry or one particular member of this industry, when there is another member of the industry who is equally as large and the two of them are fighting against each other, and one wants to take an advantage of another, and I don't know how they can. This...this bill makes it applicable to everybody. I don't care how big you are, if you're eighty percent of the industry or if you're twenty percent of the industry, there's an equality that comes across the board, because what they're doing in effect is saying, if you're going to get a...lock up a particular landowner for a sign, build the sign in a year or relinquish the...the...the right to that spot, because somebody else will be building it. We're trying to protect labor, fine, let's protect them. By someone not sitting on that sign permit or that negotiation which he's made with the

individual landowner, there will be a sign within a year. That creates more jobs, but if somebody buys that piece of property or leases that piece of property, then that sign can stay...that piece of property can stay dormant for years, because what they want to do is handle and auction off the right to put a sign over there. I would ask for your adoption of Conference Committee No. 1.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Point of information, Senator Medza. That's who talked to me was Walsh, and...and his...and his information just now is that Leo Toch is opposed to the bill, that's all I can tell you.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee report on House Bill 2458...oh, I beg your pardon. I beg your pardon, beg your pardon. We...this is an amendment to the Highway Advertising Control Act of 1971, and in the opinion of the Chair is in no way...deals with preemption of any home rule authority. It is an amendment to an existing Act, and the Chair will rule it takes thirty affirmative votes. Question is, shall the Senate adopt the Conference Committee report on House Bill 2458. 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 9 Ayes and 30 Nays, and the Senate does not adopt. The Conference Committee report is not adopted and the Secretary shall so inform the House and the sponsor requests the appointment of a second Conference Committee. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

I was asked to vote Senator Zito and he was voting

affirmative with Nedza, and I failed to push his button,...would you so record that, please.

PRESIDENT:

In my book of memories. Senator Sangmeister.

SENATOR SANGNEISTER:

I...thank you, Mr. President. I think a message is in order for the second Conference Committee, and that is, we ought to eliminate all of the signs in the State of Illinois and do those people in the State of Illinois a favor.

PRESIDENT:

2570, Senator Hudson. The Order of Conference Committee Reports Supplemental No. 2., Conference Committee report on House Bill 2570. Mr. Secretary.

SECRETARY:

House Bill 2570, the first Conference Committee report on Senate Amendments 1 and 2.

PRESIDENT:

Senator Hudson.

SENATOR HUDSON:

Thank you. Mr. President, Ladies and Gentlemen of the Senate, House Bill 2570 was the one...is the one that authorizes the transfer of fire protection services in certain areas from a fire protection district to a municipality. Now, this bill is drawn so that it affects only DuPage County. It has a front-door referendum. The only question was that such disconnection might leave the fire protection district uncontiguous, and the conferees agreed, we all agreed that if we kept the...the disconnected territory to a limit one thousand feet in its boundaries that that would be acceptable to all, and we agreed on that, seemed to...to be okay with everyone, so I would move that we do adopt Conference Committee Report No. 1.

PRESIDENT:

The question is, the adoption of the Conference Committee

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report on House Bill 2570. Discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 2570. 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 does adopt the Conference Committee report on House Bill 2570 and the bill having received the required constitutional majority is declared passed. 2876, Senator Joyce. On the Order of Conference Committee Reports, Conference Committee report on House Bill 2876, Mr. Secretary.

SECRETARY:

House Bill 2876, first Conference Committee report on Senate Amendment No. 1.

PRESIDENT:

Senator Joyce.

SENATOR JEBOME JOYCE:

Thank you, Mr. President. House Bill 2876 is the Weather Modification Act and...that remains virtually the same, and I believe the...the second part of it is...is the part that the Senate President put on dealing with additional property tax, a special tax may be levied and extended...special service areas. I'd ask for a favorable consideration.

PRESIDENT:

Is there any discussion? Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, Ladies and Gentlemen of the Senate, I just simply want to reiterate what Senator Joyce just said, this does contain the amendment about which we have...we've had some discussion earlier on. The...provision is now rewritten. It is...does spell out in somewhat greater detail the basis on which the special assessment might be made; however,

I think there still remains some question about the definition of some of these benefits, how the benefits would be measured, and some question about the constitutionality.

PRESIDENT:

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Rigney.

SENATOR RIGNEY:

Does this amendment still contain the language about the rational relationship as far as benefits are concerned? Seems to me that the report that I was asked to sign contained language of that kind.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, essentially it still does.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Well, the thing that I was wondering about if we maybe aren't kind of going down a...a dangerous path here with the concept of the rational relationship in creating some of these special service areas. While on the surface it might sound like a laudatory thing to be doing, I'm just kind of wondering if that couldn't be extended in the number of mischievous ways to the point where we could perhaps determine and in many instances that we could single out what had been the responsibilities of local units of government and suddenly decide that no longer are these things the responsibility of those units of government, and we will create special service areas on the basis of...of being some type of a rational relationship, which I guess gets back to some kind

of a user concept theory. I noticed, for instance, what's going on, say, in Winnebago County with the sheriff's tax. Up until now, of course, the sheriff's department has been supported by all the...the people who will live in that county. It's a responsibility of county government, and now we find that the...there's an attempt to create a special service area and to tax only those people who live outside of the City of Rockford for this type of a service, and I'm wondering if we couldn't extend that to say...okay, maybe you want to answer that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Before we go on to that, Michael Flannery of WEBM News asks leave to film. Is leave granted? Leave is granted. Senator...Senator Rock. Senator Joyce.

SENATOR JEROME JOYCE:

Yeah. Senator Rigney...Senator Rigney, I think you've got the wrong the bill. That's 2740.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I...I am aware that...that there are provisions in 2740 but, frankly, we discussed this at some great length. The special service area was authorized by the Constitution of Illinois and implemented by Illinois Statute, and we are under anybody's definition not taking anything away from any local authority. As a matter of fact, the county clerk is the one that has to extend the levy, and all we are suggesting is an alternative method of taxing a...with a special tax in a special service area, and the area involved, according to this definition, specifically is the block along Wacker Drive that contains Sears Tower, because if you take Sears Tower, as big as it is, it pays a disproportionate share of the tax in relationship to the service that's offered by the special service area. And so we are attempting to provide

some alternative method of valuation. That's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney. Before...Senator, NCIA-T.V. requests permission to videotape today's Senate proceedings. Is leave granted? Leave is granted. Senator Rigney.

SENATOR RIGNEY:

Well, I think I understand what you are attempting to do, Senator Rock, but on the other hand, I'm looking on down the road ahead to what might be attempted in the future; and I know, for instance, say that the people of Winnebago County, particularly those outside of the City of Rockford, are terribly upset at this moment to think that...what had heretofore been a county service is now going to be apparently some kind of a special service district with a special service tax imposed only on that area outside of the city, and once you start establishing that precedent in...in government and once you get away from the concept of assessing taxes on the basis of assessed valuation, I'm not so sure that there's any end to that process. I'm concerned, for instance, that...you know, there's probably a lot of folks out there that would like to say, well, they got all the kids over here in this area, let's set up schools on the basis of a special service and we'll...we'll tax on the basis of kids attending school, or maybe all of the folks drawing public aid or local assistance live over in a certain area, so we'll create a special service area in county government or...or township government and we'll tax in those areas for that type of service. The...the whole concept disturbs me just a little bit to think that we are going to start running government apparently now on the basis of special service areas and getting away from what had been a more traditional form of taxation on the basis of just simply assessed valuation, and I know....like I say, I know what you're attempting to do on Wacker Drive, but I'm concerned when the...the

implications of that start reaching throughout the State; and I noticed also on that report that I was asked to sign that there was nothing that was going to limit that to Chicago or to Cook County. Apparently we are establishing this for all of the State of Illinois, and it just kind of disturbed me to think that we're going to extend something of this kind, kind of a nebulous concept and a new principle of taxation, apparently throughout all of the State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, the...the gentleman is obviously arguing about something that's yet to come, and I would suggest that in the Constitution of 1970, there were created special...the opportunity for special service districts which have to be adopted by those locally who are affected, and an ordinance has to be adopted spelling out exactly what the powers, the duties and the benefits are. And all I'm suggesting by virtue of this amendment is that there may well be an alternative method of taxation which will more directly relate to the benefit conferred by the creation of that special service area. Now, if you don't like special service areas, that's a whole 'nother question; and if you don't like alternative methods of taxation, perhaps we ought to take Senator Maitland's bill and repeal the farm land assessment, because that's certainly an alternative method to equalize assessed valuation. All I'm suggesting to you, sir, is that this has nothing to do at the moment with Winnebago or Rockford.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I...I think that there is a kernel of accuracy in what Senator Rigney was suggesting but not totally, and let me tell you what I think this language

does, and it is a little bit mysterious because I think it's kind of new to us. Basically, when...even when you have a special service area created pursuant to our Statute, pursuant to the Constitution, it is likely to be extending property taxes and they have to be uniform within that special service area even though they may not be uniformly applied to those outside of the service area. There is another form of raising money for particular kinds of projects which is a special assessment, and that is applied frequently by municipalities to do curb work or street lighting or a whole lot of things of that sort, and that, of course, has to be in direct proportion to the benefit conferred and it's a much more formal procedure. Many states also have something that's called a special benefit tax which is not quite special assessment and...but also not a pure property tax and, therefore, not subject to the uniformity provisions. Where that is recognized it also has to be in proportion to benefits earned, if you will, by the particular use of the tax money. So that in that sense, it's a little bit more like a special assessment. We have language in our Statutes, that I'm aware of, that refer to a special benefit tax or special assessment although we have traditionally, as far as I can tell, not really used that device very much. As I see it, this provision authorizes something very akin to the use of a special benefit tax in the special service area which has presumably been created by local government ordinance to begin with, because it does require a relationship between the amount assessed, if you will; that is, the amount of the tax and the special benefit rendered with a roll to be maintained and so forth, the number of the trappings of a special assessment. So, I see it, I may be wrong...I didn't draft this language, but I...I see it as a use of a special benefit tax when authorized by those who are setting up the special service area, and one that does require proportionality to

the...benefits rendered by the particular funding.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. I...I'm not really sure entirely what we're doing here, and I...I...I would like some reassurance, because the...the tax that we are imposing by this amendment is...is really not clear. It could be that it's an impermissible tax that we are imposing based on something other than the assessment. There are some due process problems. This may not be as clearly written as...as we would like it. I'm not opposed to it, I'd just would like to see it clarified, and perhaps, we could do that on the Floor now; if not, we could do it later with an amendment. I...I...I don't know. Oh, I'm...I'm sorry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, I apologize for the rising the second time, but I am quite disturbed about this concept when we start doing things by these special districts. Now it's my understanding that in these special service areas, unlike special assessment districts which is, I understand, a court proceeding...and I hope my downstate friends particularly are paying attention to this, because the unit of government many times is the county government, and where you have one large city that dominates that unit of government, there really is no comebacker as far as those folks that live outside of that...of that particular large city that dominates that unit of government. So, the unit of government, which in this case is the county, passes the ordinance, and then, as I understand, the only way out of the woods for those people that are trapped in this situation is to get fifty percent of

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those people to petition out of the special service area. Now this is one Sam Bell of a test to have to meet once they have been thrown into that type of situation to say, okay, folks, now you're in and we're going to say to you that fifty percent of you are going to have to petition to get out of this thing, and that's why I say, the implications of this thing...had this legislation been proposed only for the City of Chicago or for the large counties or something, I wouldn't have been disturbed about it, but I do get a little bit disturbed about the concept when we start extending this thing throughout all of the State of Illinois, and I think there is certainly a danger in those counties that are dominated by one large county seat city that really have all the votes on the county board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR JEROME JOYCE:

Roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt the Conference Committee report on Senate Bill...on House Bill 2876. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted all voted who wish? Would you vote me Aye. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 17, 2 voting Present. The Senate does adopt the Conference Committee report on House Bill 2876 and the bill having received the required constitutional majority is declared passed. On the Order of Senate Calendar Supplemental No. 2, House Bill 3136. Senator Kelly.

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END OF REEL

REEL #3

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I move that the Senate adopt Conference Committee Report No. 1 to House Bill 3136.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce moves the adoption of Conference Committee Report No. 1 to House Bill 3136. Is there discussion? Senator...Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Will the gentleman explain the amendment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Just a moment. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yes, I will. The Conference Committee report provides that...the transportation to...for nonpublic...to a nonpublic school shall be provided in the district if the student...if the school is located at least no more than a mile and a half from the home of the student. The conference report also contains interdistrict transportation that provides that the student will be provided transportation to a nonpublic school if the district joins his district, he is going to a school in which there are at least seventy-five students, he is...the school is located at least a mile and a half but no more than five miles from his home, there are at least five other students who require transportation. The amendment also provides...or Conference Committee Report No. 1 also provides that...for an increase in amount on the flat grant from sixteen dollars to thirty-two dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Maitland.

SENATOR MAITLAND:

Senator Joyce, in...the opening of your remarks, I believe you indicated that it provided transportation within the school district if...if the student didn't reside more than a mile and a half from the school. Is that what the bill says?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

It says, "Free transportation for pupils residing in the district to a nonpublic school which has an enrollment of at least seventy-five students and is located one and a half miles from their home."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, once again, that...that appears to me, I'm not sure the bill says that, but it appears to me you're saying that the student has to reside within one and a half miles of the school.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

One...one and a half miles or more from their home.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

All right, thank you. I...that's what the bill says. Could you indicate to me, Senator Joyce, why we are going beyond school district lines? It's something that we don't now provide for for public school students.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I would assume, Senator Maitland, that there are a number of students, at least five or more in a school district, that wish to attend a school that is not...a nonpublic school that is not located in their district.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Could you tell me, Senator Joyce, the extra cost to the State of this legislation?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Our estimates are four million dollars in the first year, I believe that is '85, and approximately eight million dollars in '86.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Joyce, have you given any consideration to those students who now live in those adjacent and contiguous districts who do not now go to private schools but who, when afforded this opportunity, will then avail themselves of this service? I can tell you that in my own district, and I have an urban area, Bloomington-Normal, and a...and a...and a district that is adjacent to that...that particular school district who don't now go to the private school who will certainly be delighted to take advantage of this. Any consideration been given to this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Senator Maitland, you know, I have not lived and died with this bill, but let me tell you that if there is pres-

ently a student attending school in your district, that means that...and is then going to go and attend school in a private district because he can now afford to because of transportation cost, I would suggest to you that the cost benefit to the school district and the taxpayers of your district is...will...will be greatly enhanced by the reduction in the amount of money that your school district will have to pay for his education.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Seth Perlman of the Associated Press requests to shoot photos. Is leave granted? Leave is granted. Senator Maitland.

SENATOR MAITLAND:

Senator Joyce, that's an argument that's been made by...by a number of people, but that just...that just simply does...does not hold water, that's...that's not a good reason. The fact remains that once this service is available to...to these students who want to go to the nonpublic school, they're going to take advantage of it and it's going to be extremely costly not only to the State but to that particular school district. Let me speak to the bill. We are doing something here, Ladies and Gentlemen of the Senate, that...that, quite frankly, we have never done before. I think the legislation is...is clearly unconstitutional. You are extending a benefit to nonpublic school students that...that is not available to public school students. This is a very dangerous precedence to set. We are in the midst of a very difficult time attempting to fund public education. I've had children of my own in private schools and I'm willing to pay for that, but to extend this benefit to those students in this way at the cost of the public school system is an absolute disaster. I somewhat resent some of the things that have gone on the Floor of this Body this evening, promises that have been made and a number of things. I think

this is a bad bill, we've defeated it over and over and over again and it should be defeated tonight.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have Senator Buzbee, Collins and Geo-Karis in that order, and Senator Bruce. Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. Question of the sponsor. Senator Joyce, as I...as I read the Conference Committee report on page 2, line 20, "If the school attended is located outside the school district where the student resides, then transportation shall be afforded if the school is located more than one and one-half miles but less than five miles from the student's residence and if the nonpublic school has an enrollment of at least seventy-five students." So, in other words, the one and a half mile limit applies only to those students who...or those schools, rather, those...those private schools, which are within the public school district. If they are going to go to a private school in an adjoining public school district, that one and a half mile limit is extended to five miles. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JOYCE:

My understanding is this, Senator Buzbee. If you are going to go to a nonpublic school outside of your school district, then that nonpublic school has to be located at least one and a half miles from your...home and no more than five miles from your home, both school districts must have transportation programs. The school that you are going to must have seventy-five students, and you must take along with you on that trip four other students.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Euzbee.

SENATOR EUZBEE:

Thank you. On page 4, line 22, "The provisions of this Amendatory Act of 1984 do not require transportation of students into or out of school districts having a population exceeding five hundred thousand." So that means that the City of Chicago would be completely excluded and that none of those suburban districts or Cook County districts that butt up against the City of Chicago school district would be required to transport students into parochial schools nor could intercity kids be required to be transported out to parochial schools that might be somewhere in an adjoining district. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I am not certain as to what the answer to that question is, Senator Buzbee. I do know this...I do know that this does not apply to the City of Chicago.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

It...it apparently does not apply...if I understand the language properly, it does not apply either way. This makes it somewhat different than a bill that we had here a few years ago which said that Chicago did not have to bus out but...but suburban districts did have to bus in. But apparently this says that both...neither...neither way are they busable. And as to the cost, Senator Joyce,...on page 5, line 5, "For the 1985-86 school year only, districts which incur increases in the number of pupils transported as a result of this Amendatory Act of 1984 shall be awarded a planning grant to assist implementation. The amount of the claim for the planning grant is equal to the product of the number of pupils transported solely as the result of this Amendatory Act of 1984 as of the last school day in September

1985, times one hundred." So, in other words, what you do is you take all the new kids that are going to be transported, multiply it times one hundred dollars and that is the planning grant for '85-'86 as of the end...as of the last day of school in September of '85. So the State would then reimburse those districts, I assume, at one hundred dollars per capita at...at that time. Now, you know, in...in...in the categorical grants that we provide at the State level to school districts, there is...an...an item entitled transportation. That item that's entitled transportation is a...an entitlement program. However, in the years that I have been here, twelve, I don't recall that line ever being funded at one hundred percent of entitlement. This year I have forgotten the exact percentage but it's somewhere, according to whose numbers you go with, the House's or the Senate's, it's somewhere in the vicinity of ninety, ninety-one or ninety-two percent. So, we are...we have never reimbursed school districts for transportation at the entitled level. They know every year they're going to take it in the ear from the State of Illinois on transportation and they do. Doesn't this, in fact, just exacerbate that inequity and cause the entitlement to be larger and are we, the State, going to reimburse them in the future for a bigger entitlement when we've never...reimbursed them in the past for a smaller entitlement? I'd...I'd like...that is not a rhetorical question, Senator, I mean, I...I want your opinion on it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce, before we go further, we do have...the U. of I. has requested permission to photo. We also have eight other speakers at this point that seek recognition. You have gone over your three-minute time limit and I would ask that you bring your remarks to a conclusion. Senator Joyce.

SENATOR JOYCE:

Well, part of what you say is true and I think we recognize that. You'll see that there is a...if, it says, if there's not available...funds, there will be a proration per pupil. I don't recall what line it is, but I...I remember seeing that when we were doing that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, I...I will just kind of continue on that line and then starting with page 6...where's...the sponsor...looking at the bottom here now...and...and I must say that I don't have a very good copy. On page 6, not only with the planning grant but you get back into...yeah, I think I could make out what's...what's here and I'm going to read it. We're talking about the minimum amount received by a district is thirty-two dollars time the number of eligible pupils transported. Then in this Conference Committee report, on the bottom line of page 6, line 35, it says, "Beginning with the reimbursement to school districts for the year 1985 through 1986, regular pupil transportation claim payable in Fiscal Year 1987 and thereafter, districts receiving the minimum of thirty-two dollars per pupil shall have their reimbursements increased...increased by the amount equal to the product of the number of students transported during the school year solely as a result of this Amendatory Act of 1984 times the difference between the Statewide average...allowance cost per pupil for regular pupil transportation in the preceding year." And then it says, "And thirty-two dollars." Now, would you please explain what you mean by that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I...I'll explain what I think...what I think...how...how this works. I think you have...we are first raising the

amount from sixteen dollars to thirty-two dollars. Under the formula, you have a formula where they take the assessed valuation and they apply a tax rate to that assessed valuation, a transportation tax rate. Okay. They then take the cost of busing...cost of transportation, they subtract that...they subtract that number that you get by multiplying the tax rate...transportation tax rate against the assessed valuation, the number that you have at the bottom is the amount of State reimbursement, if that is greater than thirty-two dollars times the number of pupils that are being transported.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins, would you bring your remarks to a close now. Senator Collins.

SENATOR COLLINS:

Okay, yes. But it says, and, a-n-d, thirty-two dollars, as though you going to just add that as a flat thirty-two dollars after the computation, and that's what I wanted to know, whether or not the thirty-two is added on?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JOYCE:

No, it is subtracted in the formula. You know, I've just had this...I've had this formula handed...my understanding of the formula is as I have stated. You...you...you take the...the total assessed valuation in the district, you multiply it by your tax...transportation tax factor, you come up with a...a number, you subtract that number from the cost, the remainder is what the State reimbursement is unless...provided that that number is greater than...thirty-two dollars times the number of pupils subtracted from the cost.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, almost the identical bill was passed by this House a few years ago, so it's not new to this Assembly. I think we have an obligation to protect the safety of youngsters who have to walk on highways to get to school. And we might be interested to know that at the present time there are six hundred and seventy thousand students bused in Illinois and only forty-seven thousand of them belong to private schools. So what this bill is trying to do is add another twenty-four thousand students only. It's a bill that goes only up to five miles, and it also is a bill that is going to be fully funded. I might tell you that there is nothing at all unconstitutional about this bill. There have already been two Supreme Court of the United States cases, the Rhode Island Case and the Pennsylvania Case. The Pennsylvania Case allows the students to be bused ten miles and they do cross the school districts. We have to look at the practicality of it. If we allow our private schools to close, then what are we doing? We are allowing more of a tax burden on the taxpayers. But if we keep the private schools alive by a little bit of help, which this bill gives, then we, I think, are helping the taxpayers. And let's not forget that the parents who send their children to the private schools are parents who are paying taxes to support the public schools. This is the United States of America where in order to get excellence in education, you should have two kinds of educational systems alive, the public schools and the private schools. This is not Russia where there is only one type of education available and that's the one set by the Russian Government. I submit that this is a very fair bill. It provides for the full funding of the transportation costs, and it does help save a little money for the poorer taxpayer who doesn't want to be burdened with more students coming in from private

schools that close. I submit that this is a very fair bill. It's been reduced from it's...the original way the bill was filed, and if you'll recall, I sponsored Senate Bill 1613 which was not passed out of the Elementary Committee. But I feel this is a good concept, a good compromise, and since you already bus six hundred and seventy thousand students in...and you just have twenty-four thousand more to go, what's the equity of not supporting this bill? In addition, this bill does not become effective until July 1, 1985, it's set forth right in the conference report. I approve this bill. I support this bill. I'm committed to this concept because I believe in both public and private education coexisting. And I ask your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Eruce.

SENATOR ERUCE:

Thank you, Mr. President and members of the Senate. I...I believe that what I'm going to just discuss with you for a moment will require your looking at this Conference Committee report, because I think that this Conference Committee report perhaps is the most artfully drawn and drafted Conference Committee report that I have seen in several years. And I want to review with you page by page because one of the things that we have been told continually about this particular Conference Committee report and the matter with which it deals is that it is drafted in such a way that it could be reasonably interpreted by the court to permit busing of nonpublic schools...students into and out of the City of Chicago, a proposal which is denied by everyone. Everyone says no, the City of Chicago is excluded, no one has to worry, there's a border there that says no one will penetrate that school border because it's in this bill that the City of Chicago students will stay inside in the city, the other students will be on the other side of that line.

And let me tell you why I think that that is not true. And I'm going to go with you line by line through this and show you how artfully drawn this is, how it is, in fact, different from what Senator Geo-Karis has had before this Body, how it is different from what the Governor has vetoed in the past and why I believe that this bill, in fact, allows the transportation of students into and out of the City of Chicago. The authors of this legislation have assured us that that is not true. Let's begin. Two things appear from the beginning very certain, it does not mandate the busing of nonpublic students into or out of the City of Chicago at State expense, that's clear; secondly, the bill can be easily read, however, to permit the busing of nonpublic students into and out of the City of Chicago at State expense. Simply put, the problem is that it has been drafted in such a way that a court can find that the State of Illinois must pay, must pay, for busing of nonpublic school students into or out of the city. The bill not only does not prohibit such a possibility, but when you carefully read the language of the separate sections together, it becomes clear that permissive busing at State expense is embodied in the bill. Let's go through three points with me. On page 1, lines 28 and 29, it states that this bill shall "apply to all children attending any school," all children attending any school, even though the authors assert here that this bill does not apply to any school district in excess of five hundred thousand. Why wasn't that stated in the policy statement? It could have been just as easily stated there. This bill applies to any school student in which they reside in a district of less than...than five hundred thousand. Secondly, the bill...when referring to the City of Chicago and the busing of nonpublic school students, on page 4, lines 22 through 24, does not prohibit, does not prohibit such busing. Instead the bill was carefully drafted to provide on those lines, 22 through 24, that the provisions

of this bill do not require transportation of students into or out of school districts having a population exceeding five hundred thousand. That means the city...the city could permit it, and once they permit it, we have to pay for it. It does not require it, and that's where the artful drawing comes in. The third point...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Bruce, if you intend to go to each page, I think you're...you should allow the other Senators to proceed, you have exceeded your time limit already, and come back on your second...second time around, unless you plan to conclude very quickly.

SENATOR BRUCE:

Senator Savickas, how much time have I used?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Over three minutes, I...

SENATOR BRUCE:

And what are the Senate rules on discussion and debate?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Three minutes.

SENATOR BRUCE:

...five minutes, Senator. Five minutes, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Fine, Senator, we'll...we'll put it on at five.

SENATOR BRUCE:

Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You have two more to go.

SENATOR BRUCE:

Thank you, Senator. My third point is reimbursing for busing. Both mandatory and permissive is provided for in this bill. If you'll read under Section 29-5 of the bill which is on page 5, lines 1 through 4, that states in fact that once a student is bused we must pay for it whether it's

under the mandatory provision or under the permissive...portion of the bill. Section 29-5 on page 5 states, "This is applicable to any school district," any school district. There is no clear excuse in that paragraph to prevent payouts of the permissive busing of nonpublic school students into or out of the City of Chicago. Now, a reasonable reading of this bill can lead a court to conclude that this bill permits but does not make mandatory the busing of nonpublic students into or out of the City of Chicago at State expense. If they intended to preclude this busing, why didn't they state...on page 1, lines 26 through 30, it is the public policy of this State that all children attending any school, why is that in? Didn't have to be there. Why did they in...on page 2, lines 2 through 5, limit busing to four particular types of school districts, then later on mention and refer explicitly to the City of Chicago on page 4, lines 22 through 24. Let me give you some...examples of why permit and not prohibited are language of art that I believe that the people that drafted this legislation very clearly understood. Let's just say, how could they have done it in a different fashion? They should have said the provision of this Act permit but do not require the transportation of students into or out of school districts having a population of exceeding five hundred thousand, but they didn't say that. They continue to say that the nonpublic school students may be bused into and out of the City of Chicago by stating any school district transporting its residential students to a school shall be...reimbursed by the State as provided on page 6. That's where we are. Everyone seems to be worried about the time, I'll take another round if we have to.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator, we'd be glad to let you do it but I think we should let the other Senators present their views and then you come back for your second time.

SENATOR BRUCE:

Thanks, Senator, we'll be back.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Thank you.

SENATOR BRUCE:

Give me...time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The previous speakers have spoken to the technical points of this Conference Committee report, as is proper that they should. I think the point that I want to make in speaking in opposition to this concept is probably more a philosophical one than a technical one. But it seems to me that it behooves us as we enter into these things to do the best we can to look down the trail ahead and see what the results of our actions may be. And I am convinced, and was when I was in the House and I am convinced here in the Senate, that this concept is dangerous in a way because it seems to me that the best way to destroy the private character of our private institutions is to begin to infuse them with public money either directly or in the way of services. And I happen to feel that this effort is probably the beginning of many along the same line and maybe even different lines in the future that will indeed begin to more and more infuse our private institutions which I feel are very essential and an integral part of our country, and I want to see them preserved, if we can, in their form so that they can do their...they can perform their services in the way that they want to perform them. But it seems to me that if we adopt this measure and in years ahead similar measures, we are going to do...the contrary. We're going to begin to place these private institutions in a position where they will

be...have to be regulated. They will have to more and more conform to rules and regulations that they may now be exempt from because they are accepting more and more in the way of State help. I have many friends in the private schools and...and I have explained my position over the years to them and this concern, and many of them agree with me on that point. So I say, let us beware of proceeding in this direction or at least proceed very cautiously and think carefully before we do. And I'll...I'll close by suggesting that it also seems to me to be prudent that we consider our current obligations to the public schools that we now have and are not always living up to. And it would seem to me to be a priority to take care of those obligations and commitments we have already made fiscally, financially and honor those obligations first before we even begin to consider branching out and taking on financial obligations that we're ill prepared to meet. So I would urge a No vote on this Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Nedza arise?

SENATOR NEDZA:

Thank you, Mr. President. At the proper time, I would ask leave to move the previous question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, it's the proper time. We have the following...the motion has been made by Senator Nedza. If we have...all those in favor indicate by saying Aye. But we do have the following Senators that have requested to speak before the motion was made. Senator Schuneman, Jones, Pawell, Lenke, Donahue and...Bruce for the second time and Senator Rock. Those in favor of the motion. Those opposed. The Ayes have it. The motion carries. Senator Schuneman. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank...thank you, Mr. President. I'll be very brief. I think that Senator Bruce has raised an interesting question and I only want to raise another aspect of that. The bill does say that it's the public policy of this State that for their health, safety and welfare, all children attending any school, grades kindergarten through twelve, be afforded safe and convenient transportation. Now, later in the bill it...it specifies only those children who live within five miles of the school. In my area of the State school districts are large, and if this bill passes, it seems to me that those students who live six miles and seven miles and ten and fifteen miles from that district would certainly have a good case to go into court and argue that it is the public policy of this State that all children be afforded transportation to any school. And...so, the...the issue of Chicago, of course, is a larger one, but the issue in the rest of the State certainly is not insignificant, because for those of us who have been around here a few years, we know that this bill has been here a long time and that originally it started out with fifteen miles. They couldn't pass that. Then it later came around with ten miles and now we're looking at five miles. But I think the issue raised by Senator Bruce is probably a valid issue.

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 Joyce, on the first page of the Conference Committee report it states that it is the public policy of the State to provide for the health, safety and welfare of all the children attending any school. And what is meant by

that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

...I...the health, that's clear on...on its terms. The health, safety and the welfare of all children attending school. I...I don't see what the problem...what do you mean? What do you want it to mean? What do you think it means?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

...under the...under the provisions of this bill, what benefits will the private school students have over the public school students? What benefits will they have that the public school students will not have?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

They will have no additional benefit, they will have the right to be transported to school...within the perimeters or the confines of the language in this bill. I will tell you it is not, it is not...and if there is some ambiguity here and if the question arises where we lack clear and plain language for judicial interpretation of what this means, it is not the intent of this legislation that the Chicago Board of Education be reimbursed for transporting private...or students to private schools.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Well, there's no reason for you to...to presume to read my mind. What it...what...what advantages that I ask you do the public schools..do the private school student have over the public school students? Do the private school students

in a school district have an attendance area? Do they have to attend one particular school in a school district, or can they attend any private school in that district?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce. Senator Joyce.

SENATOR JEREMIAH JOYCE:

The attendance area in the parochial school system in the City of Chicago is for the most part defined by parishes at the elementary level. At the secondary level, it is not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones, your time is running out. Would you bring your remarks to a close. Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. To point out to the sponsor and clear it to the Body, a person attending a parochial school under the provisions of this bill can...attend any parochial school he or she desire under...as spelled out in this piece of legislation. Your public school students would have to attend the school they are assigned to attend. So, when...when one of the...the supporters of the legislation indicated that if we don't pass this legislation, private schools might close; if we do pass it, students attending private school can go to any private elementary, any private high school of their choice, just so long as they stay within the confines of this bill. So the cost will increase for private school students because if I don't want to go to the elementary private school which is located three blocks from my home and I like another school that is maybe two miles from my home, I can go to that school under the provision of this bill for parochial school students. This is the reason why this piece of legislation is totally unfair. If one chooses on their own to go to a school five miles from their home when they have one right next door to them, then I think that...that cost should not be borne by the people of

the State of Illinois. And that is the unfair provisions of this piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

...thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR FAWELL:

Are we talking about this stupid formula again that we don't reimburse now? Is the parochial aid coming underneath this formula? I mean, are we...is it the same formula that...that we've got for the rest of the kids...for busing?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JOYCE:

It's my understanding that is what we're using, the formula that I...that I stated earlier...the...with the transportation tax rate and the...yes, the one that is not fully funded, as Senator Buzbee has indicated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

So...so we're really not talking about reimbursing a hundred percent for the parochial kids whether they go outside the district or not, we're talking about this formula again. My...my...my school districts lose literally hundreds of thousands of dollars on that formula now...you know, I would like to yield the rest of my time to Senator Eruce, he's the only one that seems to know what we're talking about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue. Senator Donahue. No. Senator Eruce.

SENATOR ERUCE:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'm setting the time limit at five minutes, Senator Bruce, so you should have enough time.

SENATOR BRUCE:

Thank you. Thank you. Let me just review with you what we are talking about then. First of all, the author of this language could have said the provisions of this Act do not permit the transportation of students into or out of school districts have a population exceeding five hundred thousand. They didn't. Why? That's my question. Secondly, they should have said in 29-5 about reimbursement for permissive busing, they could have said the provisions of this section are not applicable to permissive busing into and out of school districts having a population of five hundred thousand. Let me just remind you that when we talk about permissive obligations, this means that suburban school districts around the City of Chicago can be chosen, one by one, all of them or none of them, pick and choose. They go to the school board and say we want you to...to transport our children who live within the City of Chicago from our suburb in and you pay for it. Now that bill is...that is allowed by this bill. Now the sponsor may get up and say, oh no, oh no, but it's permissive. It is permissive, it is permissive. Now you can say all you want to, you can go through here. Let's go through it one more time. Page 1, the policy says, as Senator Schuneman says, "Any student, any school." Page 2, it states on line 27, "No district shall be required." It says on line 30, "The provision shall not be construed to require." On page...line 33, same page, "No district shall be required." Page 2, line 3, "This section does not require any school district." Line 6, same page, "This section does not prohibit school districts from delivering children." Page 4, line 22, "No prohibition." It says, "The provisions of this Amendatory Act do not require transportation of stu-

dents into or out of a school district having a populating exceeding." On line 25, right on down, "This section does not require any school district to provide transportation." On line 32, same page, "The school district shall not be required to do these things." On page 5, it states in the reimbursement section, reimbursement for State means that if the Chicago School District decides to bus, then the State must reimburse. That's the problem with the bill. You go through the first five pages and you find out what is wrong with it, and that is, the cost of this thing is not four or eight million dollars, it is not four or eight million dollars. It is for every school district where the majority of our students reside surrounding...in the counties around the County of Cook, in the suburban area of Cook County, those school districts are going to be having people at their school board saying, transport our kids. The General Assembly has...passed permissive legislation which allows you to pay for that at State reimbursement, and to the extent you do that, to the extent you do that, we prorate the formula. Now they tell you that that's a great argument. Sure they prorate, they prorate us. There's only so many dollars in the State pie, and when you prorate, you prorate all the rest of the State of Illinois and we get less. We haven't fully funded the Transportation Formula since 1972. 1972 was the last time we said to the school districts, the eleven hundred of them out there, transport the kids and we'll pay you our share. We don't. Finally, let me just tell you on an equal protection argument why this bill, I think, is also flawed. If you have two students, both in a nonpublic school, one going to school with seventy-four students and one going to school with seventy-six students, the one student on...going to school with seventy-four doesn't get transported. Why? What's the logic there? Why do we say to those students that if the policy of the State of Illinois is to transport, why

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didn't we put that in the policy statement? One student goes, one student doesn't. Let's take a senior in high school, living two and a half miles from his nonpublic school, traveling a safe route with seventy-six students. He goes, the bus comes by and picks him up. Let's assume a first grader, four and a half miles away from her school, along an extremely dangerous highway, attending a school with seventy-four students in it, both nonpublic, we don't transport the first grader. We take the senior high student and take him to school. What's the sense of that? Why is that? Why is there no balance of factors? Why isn't there some talk about the age of the students involved? Why not some talk about the distance traveled? Not the distance from their home but the distance to the school. Why not something about the dangerousness of the route that those students travel? That's not in this bill because it wasn't supposed to be in this bill. This bill is to take students from the City of Chicago and the suburban area and transport them back and forth as each school district decides. I think it's bad public policy. The cost of this thing is unknown and unknowable. And in spite of what Governor Thompson says, when we have all the money that we need for schools, then we can do this. We don't have the money we need. We have twenty-nine school districts this fall that are on the watch list that may not open their doors. And to open a program and start a program like this when public schools are closing doesn't make any sense.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Bock.

SENATOR BOCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of House Bill 3136 and this...as contained in this Conference Committee report. And seldom, if ever, in my tenure in the General Assembly have I seen

such unmitigated frenzy. As a freshman I saw it when we were all visited with the infamous Schlicman Report, a very thick document that suggested very strongly that it ought to be the public policy of this State to recognize that there is a dual school system and we ought to provide some financial aid to the parents and the youngsters who attend private schools across this State. And there were ten of us who were freshmen in this Body in that year, Senator Bruce was one; and we, in fact, after about thirty-four or thirty-six hours of hearings in the Elementary and Secondary Education Committee, in the Appropriations Committee, in a joint committee with the House, we finally passed it. And the court said some years later it wasn't quite right, can't go that far. So we came back with an idea that we ought to do something, something in recognition that there are youngsters out there who attend nonpublic schools and whose parents in fact pay taxes. So we came back with a program, as the United States Supreme Court indicated we could constitutionally provide some aid in the form of textbooks, because textbooks are allegedly nonreligious, they attempt to teach kids irrespective of their religious belief. And now we have provided and will provide later this evening the absolute magnificent sum of eleven million dollars for textbooks, more than half of which is utilized by youngsters attending public schools in this State, eleven million dollars. And when later on you're called upon to vote on the Conference Committee report that myself and Senator Buzbee and Senator Bernan will present, when you add it up...when you add up, Senator Bruce, the State pie, the State pie for education in this State is in excess of two billion dollars, two billion. And last year when we went through the travail of attempting to get a tax increase to provide the very needed revenue for the youngsters of this State, we should have insisted, we should have insisted, that before we were going to put an Aye vote

on a tax increase to provide in excess of two billion dollars for education in this State that there ought to be as a matter of public policy some recognition of the taxpaying parents who choose to send their kids to a private school in this State. Four million dollars this will cost, the Governor says, in FY'86. So don't tell me about schools that may or may not open this September, we have been wrestling with that not only all day but this whole semester. There are school districts in this State who have a larger per pupil deficit than does the City of Chicago. And we have attempted to piece together...every legitimate means to provide them the money so that they can open. And the budget will be in excess of two billion dollars and we're...going to deny to the private school youngsters the opportunity to ride a bus. There's probably fifty thousand youngsters that this will apply to, and we're going to say, oh, no, oh no, that's two big a slice of the State pie. We ought to be ashamed of ourself. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

END OF REEL

REEL #4

SENATOR JEREMIAH JOYCE:

Well, it is nice to be on the same side of an issue with you, Senator Bock, after all these...let me just put two or three things in the record. Senator Bruce, all of these factors which you have set out here as making the argument for a court to strike this down on an equal protection basis come in part...in a large part from you and those with you who oppose this. If we said a hundred, if we said fifty, whatever the number was, you were saying, give us a different number for that school enrollment. If there...is some ambiguity in this...if there is some ambiguity in this legislation with respect to whether or not the City of Chicago, the board of education is to be reimbursed for transportation of private...of private...to private schools outside the city, let me make it perfectly clear, that is not the intent of this legislation. To wave that as a red herring, to use that to try to defeat this bill, I think is reprehensible. I ask your support of House Bill 3136.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt the Conference Committee report on House Bill 3136. 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 28, the Nays are 27, none voting Present. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Have another Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Conference Committee report is not adopted and the Secretary shall so inform the House, and there is a request

for a second...Conference Committee to be appointed.

PRESIDENT:

Senator Berman, while Senator Vadalabene is getting his notes together, you want to proceed on 1735? Supplemental No. 2 on the Order of Conference Committee Reports, the report on Senate Bill 1735, Mr. Secretary.

SECRETARY:

Senate Bill 1735, the first Conference Committee report on House Amendments 1, 2 and 4.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill which we passed out previously authorizes the Chicago Board of Education to issue ninety-five million dollars of bonds for the construction and rehabilitation of their school buildings. When the bill left the House, I...I'm sorry, when the bill left the Senate, I indicated to you that there was work that had to be done on the bill because of questions that had arisen in the drafting of the language. That...those questions have been resolved and let me address them for you. First, there is the amendments that were added in the House and we have concurred in that, and we have specifically provided that there will be rehabilitation and construction money in these bonds. We have set out that there is allowable within this between thirty-two and thirty-seven million dollars for construction, the balance of which shall be used for rehabilitation. The one new item that is in the bill is...deals with bilingual teachers' certification. We had extended their certification to this August waiting for the State board to resolve their issues of extension of the certification process. This amendment extends it for one more year because the State board hasn't acted on that issue. I move...that we concur...I'm sorry,

that we adopt Conference Committee Report No. 1 on Senate Bill 1735.

PRESIDENT:

All right, Senator Berman has moved the adoption of the Conference Committee report on Senate Bill 1735. Any discussion? Senator Netsch.

SENATOR NETSCH:

Just to be clear, Senator Berman, if we might. As I understand it...and I have only the Conference Committee report, not all of the amendments or the analyses, but this is increasing the allowable bonding authority of...technically of the Chicago School Finance Authority by, what, about thirty-seven million dollars and then permitting it to be used; that is, the proceeds of those bonds to be used for rehabilitation and construction which now is paid for out of ordinary funds of the school board, and in turn, that is intended to free up some unidentified amount that the school board will then be able to apply to operations. Two questions; one, am I correct up to that point and, second, can you say what that unidentified amount is?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you. Let me correct your first statement slightly. The Chicago...this is not new money to the extent of the rehabilitation. The Chicago board has no access to the market. We're taking...approximately sixty million dollars that the Chicago board already has authorization for and...and shifting that to the Finance Authority so that they can get to the market. The...the new money is in the construction that is in the amount of thirty-two to thirty-seven million dollars. On the second part of your question, the current figure that I am advised is that this will free up approximately eight million dollars out of their...out of

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Keats

their current operating requirements.

PRESIDENT:

All right, any further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee report on Senate Bill 1735. Those in favor will vote Aye. Those opposed will vote. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur...does adopt the Conference Committee report on Senate Bill 1735 and the bill having received the required constitutional majority is declared passed. All right, with leave of the Body, if you'll move to the regular Calendar, I understand that Senator Collins and Sangmeister and DeAngelis and Keats...page 4 on the regular Calendar, you'll recall, we, yesterday, suspended the rules to afford an opportunity for Senator Collins to present an amendment on workmen's comp. On the Order of House Bills 3rd Reading, Mr. Secretary, is House Bill 2373. Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Before I get into the text of this amendment, let me first...well, first of all we have to move the...move to...the bill back to the Order of 2nd Reading for the purpose of amendment.

PRESIDENT:

All right. Senator Collins seeks leave of the Body...to take House Bill 2373 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd reading, House Bill 2373, Mr. Secretary.

SECRETARY:

...Amendment No. 1 offered by Senators Collins, Sangmeister, DeAngelis and Keats.

PRESIDENT:

Senator Collins on Amendment No. 1.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Before I get into the text of this amendment, let me just congratulate the leadership in the Senate and in the House, and the Governor's Office and the staff who worked so long and diligently...and labor and business for the wisdom to understand the process of...a democratic process and the art of compromise; and in return, I feel that they've come up with an agreement that have made some great stride in resolving some of the problems that business have often complained about the costs of unemployment...I mean, of workmen's comp. and also the problem that labor had with speedy expedition of claims and particularly in those case where claims was...under dispute as it relates to emergency cases, and now to the text of the amendment. The amendment actually does about...principle points of the...of the amendment about five...six different major changes. First of all, it extends the...the ban on filing the claim for injury due to exposure to asbestosis to twenty-five years from the date of the last exposure and; two, it reduces compensations for permanent/partial disabilities from sixty-six and two-thirds of the average weekly wage to sixty percent of the average weekly wage and; three, it freezes permanent/partial benefits until June 30th, 1987, reducing...it restructures the Industrial Commission and it creates the Commission...Review Board to review the performance of commissioners and arbitrators. It provides for expedient expediting of claims when claims are under dispute. It specifies and sets forth procedures for all 19 B cases. It provides that the commission shall issue written decisions at the request of either party on...or on its own motions. Provides that the interest on awards be reviewed, shall accrue at a rate of interest based on Treas-

ury Bills. When an employee appeals an award and the award is not changed or decreased, interest shall not accrue, and it deletes our reference to the language of asbestos in the bill. If you have any questions, I will be happy to answer; if not, I move for adoption of Amendment No. 1 to House Bill 2373.

PRESIDENT:

All right, Senator Collins has moved the adoption of Amendment No. 1 to House Bill 2373. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Collins, I assume you'd ask leave to get right back to this? Thank you. All right, in the meantime, for intervening business, on the Order of Secretary's Desk Concurrence, Senator Weaver on 1600. Is that one...page 7. With leave of the Body, we'll move...for intervening business, we'll move to...to the Secretary's Desk on the Order of Concurrence, and on that order is Senate Bill 1600 with House Amendment No. 1. Senator Weaver...or Mr. Secretary.

SECRETARY:

Senate...Senate Bill 1600 with House Amendment No. 1.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move the Senate concur in House Amendment No. 1 to...Senate Bill 1600. It's an addition back to about the...the introduced level. It's been approved by the Bureau of the Budget and the Governor's Office, and I see no problem with it.

HB 2373
3rd reading

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1600. 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 57 Ayes, no Nays, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1600 and the bill having received the required the constitutional majority is declared passed. All right, pursuant to leave earlier granted, we'll move again back to the Order of House Bills on 3rd Reading, page 4 on the Calendar. On the Order of House Bills 3rd Reading is House Bill 2373. Read the...read the bill, Mr. Secretary.

SECRETARY:

House Bill 2373.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. In the interest of time, I will now yield to Senator Sangmeister and then, of course, Senator DeAngelis and Senator Keats, and I will...we will all participate in answering questions.

PRESIDENT:

All right, thank you. Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. So that you all clearly understand, this is a workmen's comp. bill. As you're also, I think, all aware, we've worked during this entire Spring Session to try to bring something forward to benefit the business climate for the State of

Illinois. Every time we work in this area, of course, we work in a very controversial area between labor and the business community; and I am happy to report, as Senator Collins has indicated, that after much deliberation, that we can represent to you that the business community endorses this bill and that labor also endorses the bill. Briefly, although Senator Collins covered it, I would like to make absolutely sure that everyone understands what we're doing in this bill and that is we are allowing claims for injuries for asbestosis for up to twenty-five years, that was the original terminology that was in the old House Bill 1070. The compensation rate has been reduced on permanent/partial from sixty-six and two-thirds down to sixty percent. The maximum weekly compensation, as she indicated in her remarks, has been...again been frozen for an additional three years. We are increasing the membership on the Industrial Commission from six to seven. We are...creating a Commission Review Board, so the first time, if anyone has any complaints about how the arbitrators are conducting their offices in the State of Illinois, that you'll be able to file a complaint with this commission and there will be a review, and the end result could be the Governor dismissing that arbitrator. There is a procedure now for the 19 B claims to be handled on an emergency basis, and at the request of either party or the commission, a written decision will be rendered; and last of all, the interest rate will be at...at T-bill rate...at six-month T-bill rates from the time the decision is filed. As you know, in 1070, we had a one percent above prime. This has not been done without a lot of deliberation, without a lot of pulling and a lot of giving on both sides and, again, I don't think the business community thinks this is everything they should have, and I can assure you, labor doesn't think this is the greatest thing that they had to concede to either. So, from a legislative standpoint and from the

people's standpoint, it may very well be a good bill and, hopefully, will continue...continue to stimulate the business environment for the State of Illinois, and I ask for your full support.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Only to add one additional comment. I would like to personally thank the President of the Senate and the Minority Leader of the Senate who first encouraged Senator Sangmeister and I to involve ourselves in this process and to further indicate to members of the Body that when it comes to the issue of worker's comp. and other issues, they should not be regarded as political issues but as economic issues, and that's how this was resolved.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Will...will Senator Sangmeister...yield to question? Senator Sangmeister, on page 11, I believe it...in the amendment, it provides for the weekly compensation rates for a period from July 1 of 1984 through June 30th, 1987. Does that mean we're going to have a cap on weekly benefits of two hundred ninety-three dollars and sixty-one cents for that period of time?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes. Senator Lechowicz, yes. What we're doing is continuing the freeze that is presently in effect at the 293.61 rate and we would freeze that for another three years.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Then why do we need the additional language that's contained between six and fourteen? And that's the area that I really had a question on as far as the, "Shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly...wage in covered industries under the Unemployment Insurance Act." Could you tell me what that average normally is?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

All I can tell you, Senator Lechowicz, I don't know the exact answer to your question except people who have, you know, more expertise than certainly I have in drafting that language felt that that was essential that that language be in there to give us an effective freeze for the next three years.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I've been advised that that was the same language that was used with the last freeze, and that they wanted to keep it identically the same so there could be no misinterpretation.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

...really doesn't answer my question, maybe Senator...DeAngelis can answer it.

PRESIDENT:

I wonder if you could repeat the question, then we can all...may we have some order. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Basically, Mr. President, it's

on page 11 of the amendment, and that's covered in lines...2 through 14. What they're doing is placing the cap of two hundred ninety-three dollars and sixty-one cents through June 30th of 1987. Then they have a provision of an adjustment factor for the State's average weekly wage in covered industries under the Unemployment Insurance Act, and I was wondering what that adjustment factor would be.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. First of all, Senator Lechowicz, this only applies to this section, it does not apply to the...Unemployment Insurance Act. But the reason that's in there is that when the cap comes off, you have to have a mechanism for where the next movement is going to be, and where the next movement is going to be is at two ninety-three sixty-one plus whatever the previous twelve-month's increase was.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, that answered my question.

PRESIDENT:

All right. Further discussion? Any further discussion? Senator Collins, you wish to close?

SENATOR COLLINS:

Yes, I would just like to...again say that we recognize that this bill does not...solve all of the problems. It is, in fact, a very good beginning, and I think it is a workable document; and if it is not, we can come back next year and make whatever adjustments necessary, and on that note, I would ask for a favorable vote.

PRESIDENT:

Question is, shall House Bill 2373 pass. Those in favor

will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 2373 having received the required constitutional majority is declared passed. We were going to do just the...Supplemental 2, two more bills and then we're...okay. Senator Kelly. If you'll turn...revert now to Supplemental Calendar No. 2, there are two measures on that Calendar yet remaining. There's another Calendar on its way here. Senator Philip has indicated he will be requesting a brief Republican Caucus after the conclusion of Supplemental 2, so we will try to finish two and when we return we'll go to Supplemental 3. On the Order of Conference Committee Reports is House Bill 2454, Mr. Secretary.

SECRETARY:

House Bill 2454, a first Conference Committee on Senate Amendment No. 1.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I would move to concur in Conference Committee Report No. 1 on House Bill 2454. This report actually made a technical correction. The initial bill had an amendment and the language was contained in a wrong section. All the Conference Committee report did is place it into the right section, and I ask for your favorable support.

PRESIDENT:

Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. A question to the sponsor.

PRESIDENT:

The sponsor indicates he'll yield, Senator Netsch.

SENATOR NETSCH:

This does authorize an increase in weight load, does it not?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Yes, just like your synopsis says here, it does increase the weight from sixteen thousand to eighteen thousand pounds per axle for agricultural vehicles.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Could you describe in a little more detail what is included within that definition of agricultural...vehicles?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Well, within the definition of agricultural vehicles, it...it contains any...vehicles that carry agricultural products. It could be tractors, it could be trucks that have agricultural products on them, it's...it's...I don't know, how many other vehicles...that's about it.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Well, it...it includes trucks as well as...as just what we would normally think of as agricultural implements. I gather that is what your answer is.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Yes, it can...it includes trucks if it had...agricultural products on it, it would be considered an agricultural vehicle.

PRESIDENT:

All right, any...further discussion? Senator Maitland.
Senator Maitland. Senator Bruce.

SENATOR BRUCE:

Senator Kelly, you're receding from Senate Amendment No. 1 and there's language about a flexible base, county or township roads, single...axle not exceeding sixteen thousand pounds, that's on township and county roads, that language is stricken. How is a different limit established and posted, and if you fail to post it in a proper way, how...what does that do to my township road commissioners?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Well, we adopted...the amendment on the floor here which took care of that problem for...or in committee, I should say, which took care of the problem with the townships and the other organizations. I'm not saying the township's organizations of Illinois support the bill, but they...it removed the resistance 'cause what the amendment did, it said that they still...contain or they control their own roads, that this would only apply on the nondesignated roads that they do not, but if they want to post signs on the roads, it would still keep the weights at sixteen thousand pounds.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Now, that beside, in your original bill you dealt with agricultural weight limits. In the Conference Committee report there's no reference to agricultural weights. How does this affect the farmer coming in with an overload on county or township roads?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

It...it...it...merely allows them to carry eighteen thousand pounds instead of sixteen thousand pounds per limit if the road is...is not designated...it is not...does not have a sign.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Well, the reason I can't find the eighteen thousand, Senator, is that you receded from Amendment No. 1, and in the original bill there is no reference to eighteen thousand pounds except in the language that you have stricken in the Conference Committee report, and how do you get from the sixteen thousand to the eighteen thousand without any reference to it in the legislation?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

The...the bill itself, that's what was contained and which was drawn up by the Reference Bureau and which was introduced and it raises the limit from sixteen thousand to eighteen thousand pounds per axle. So, that's where it came from and that's why that is the major part of the bill.

PRESIDENT:

Further discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in favor of this bill. Actually all we're doing here is increasing that sixteen thousand to eighteen thousand pounds, but still give the local government the authority to post the roads in those areas, like my own, when the road conditions are not adequate. So, it really doesn't anything more except...let's them go two thousand pounds more unless the roads are posted, and most of the locals, as I understand,

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are all neutral on it, they have no position.

PRESIDENT:

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

SENATOR KELLY:

I just ask for your favorable support.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee report on House Bill 2454. 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 42 Ayes, 8 Nays, 5 voting Present. Senate does adopt the Conference Committee report on House Bill 2454 and the bill having received the required constitutional majority is declared passed. 1629. Conference Committee report on Supplemental No. 2 on Senate Bill 1629. Close the drapes out there, please. Close the drapes and stop the clock. Just...just the light over Senator Becker's head. I thank you. Okay. All right, Mr. Secretary, Conference Committee report on Senate Bill 1629.

SECRETARY:

Conference Committee report...first Conference Committee report on Senate Bill 1629 on House Amendment No. 5.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I would move that the Chamber concur in Conference Committee Report No. 1 to Senate Bill 1629. This is the bill that retains that House Amendment No. 5, which authorizes dog racing in Illinois, eliminates the cap placed on the number of dogs allowed to race, I guess they had eight; specifies that monies retained shall be allocated three-quarters to the

licensee and one-quarter as purses for dog racing and eliminates the fifty-five mile restriction on simultaneous racing if the track is a finished track which was operated in Illinois. I would move adoption of the Conference Committee Report No. 1.

PRESIDENT:

Any discussion? Discussion? Senator Collins.

SENATOR COLLINS:

Is...a question of the sponsor.

PRESIDENT:

Indicates he'll yield...

SENATOR COLLINS:

This is the dog racing...the dogs again?

PRESIDENT:

Senator Collins...Senator Savickas.

SENATOR SAVICKAS:

I guess that's your answer, this is the dog racing bill.

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

Well, that was my question also and...just to identify it is the dog racing bill, I wanted to make sure.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, will the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator, I have within my district Fox Fields, a racing track which has not been able to...to operate for a number of years. My question is, under the provisions of this bill, would it be possible for Fox Fields to...to open and operate as a dog racing track?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Is it a currently operating track?

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

It is not presently operating.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

No, it would not be allowed then.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

Well, thank you. Mr. President, I...I rise in support of this, and first I want to answer your question, Senator Etheredge.

PRESIDENT:

No, Senator Etheredge...oh. Okay, Senator Etheredge indicates he'll yield.

SENATOR BLOOM:

No...no, I though he asked a question. I don't know whether it was fully answered. If...

PRESIDENT:

He...he...

SENATOR BLOOM:

Oh, it was answered. Okay.

PRESIDENT:

Senator Savickas said, no, if that's fully answered.

SENATOR BLOOM:

Well, I...I would correct Senator Savickas by pointing out that if it has a racing date...if it can apply for a racing date, then it certainly can qualify. You follow what

I'm saying? If you get a racing date. One of the...the Conference Committee looked at...drafted this report with care, removes the objections of the existing race tracks. If they have racing dates and if they obtain racing dates in this year, they can conduct dog races. The concern was to keep this before the Racing Commission because the racing industry, at least insofar as horses had been...are concerned, had really been thoroughly changed in the last decade, and Illinois has the reputation, I am informed, of being one of the cleanest racing environments in the country, so we leave it under that jurisdiction. Further, the Conference Committee report expands the portion of the monies generated by this that would be subject to the privilege tax which would then go into the Common School Fund, and the fifty-five mile limit is still in there. So, we ask ourselves, who's hurt? Nobody, really. Who benefits? Well, in Iowa they recently enacted legislation to allow for dog racing, and it is estimated there in their economic development department that communities or areas where dog racing can go, generate about three hundred jobs a community. Certainly the tracks benefit because if you don't have horse racing dates, then you're sitting empty. So, there's a benefit there. But finally, and most importantly, the beneficiary, I believe, will be the school children of this State because the monies generated through the privilege tax go into the Common School Fund, and I believe that in terms of providing State aid to education we shouldn't look a gift dog in the mouth.

PRESIDENT:

Further discussion...

SENATOR BLOOM:

Surprisingly, this has received the support as well of my own paper, and I'm always thrilled to be able to have them agree with things we do. Anyway, I urge your support. I'm

sorry to go on, Mr. President.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. Senator Savickas, it's my understanding that at present those tracks that would be allowed racing would be Sportsmans, Hawthorn, Maywood, Balboral, Fairmont, Fox Fields, Quad-City, Cahokia and Arlington Park. Are there any other operating tracks in the State of Illinois that might qualify?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, I would imagine the intent of the legislation was to grandfather in those tracks that were running races. This would apply to any track that does run a race whether it was licensed or not, so...the intent was to allow all of them to...to be able to do this dog racing.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, that would be...it would be precluded if they didn't have a racing...or a race conducted during 1984, is that right? Thank you.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

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

PRESIDENT:

He indicates he'll yield, Senator Hall.

SENATOR HALL:

I'm happy to hear you say that now, because I was given a notice. Senator Weaver, I heard you say Cahokia Downs, and Cahokia Downs Race Track is closed. They dcn't have any

racing dates at all.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

The language in the Conference Committee report says on page 3, lines 11, 12 and 13, "Provided, however, that nothing herein shall preclude the board from granting an organization licensed to conduct dog racing at a finished race track at which racing was conducted during 1984." They can conduct a race whether it was licensed or not, and that would fall in the purview of the Act.

PRESIDENT:

Further discussion? Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I apologize for...for rising a second time on...on this issue, but I was seeking clarification of the...of the wording of this proposed law because it is very significant to quite a few people in...in my district, and what I'm talking about here is the...is the possibility of several hundred new jobs being made available to people in the greater Aurora area, and that is something which is very...very important to...to all of us. As I...as has been pointed out by...during earlier portions of the debate, as I understand the law as now written, a number of tracks, including Fox Fields, which is not presently operative, could schedule a race for charity or a race at...at any rate at which there was no...no betting, and then this...they would then, by virtue of having conducted that race during 1984, would now be eligible for...for a dog...dog racing. Okay, and...and as I understand it then, there would be a total of nine...nine parks here in...in Illinois where racing dates could be scheduled and that would include Sportsman, Hawthorn, Maywood, Palmeral, Fairmont

Park, Fox Fields, Quad-City Downs, Cahokia Downs and Arlington Park. Now, it...because that is the...the understanding of the...the impact that this legislative would have, the fact that it does mean several hundred jobs to Aurora, I will be voting Aye on this bill.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I...I...I guess I have to rise in support of this Conference Committee report. While I...I am not in favor of dog races, but it seems to be one of those choices between whether or not the school systems will go to the dogs, or whether or not we will have some additional funds that will go to the Common School Fund, and in the absence of anything else on the surface at this point, any clear-cut alternatives, I guess I would have to just vote for the dogs.

PRESIDENT:

All right, further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Yes, I would ask for your affirmative bark.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee report on Senate Bill 1629. 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...have all voted who wish? Have all voted who wish? Take the record. On that question, there are 26 Ayes, 27 Nays, 2 voting Present. The Conference Committee report is not adopted. The Secretary shall so inform the House and Senator Savickas requests the appointment of a second Conference Committee. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Mr...Mr. President, I would request a Republican Caucus immediately in Senator Philip's Office and the caucus will last no more than an hour.

PRESIDENT:

All right, wait a minute. Wait a minute. If I can have your attention, the...Senator Philip and I have met with the Speaker and the Minority Leader. There are a number of bills that we have remaining, obviously. We are attempting to conclude our business prior to midnight. In the event that proves impossible, obviously, we'll be back here tomorrow, but I think it's in everybody's best interest...the vote requirement, obviously, for immediate effectiveness changes at midnight, so we will be attempting to work until midnight. I would suggest that the caucuses...the request is in order. I would just urge that we try to come back as quickly as possible. The Senate will stand in Recess for one...for one hour. Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

I would ask for a Democratic Caucus for about fifteen minutes.

PRESIDENT:

You can have it. One hour.

RECESS

AFTER RECESS

PRESIDENT:

All right, the Chair will remind the members, it's nine-fifteen. Senator Philip and I have spoken with the House Leadership and we are attempting to finish on June 30. So, we're going to make a run at it. Senator Philip and I will be going across the rotunda momentarily to visit with our dear friends. Senator Schuneman.

SENATOR SCHUNEMAN:

When I was in the House, Senator Vadalabene used to come

visit us almost yearly, but he always brought Don the doorman with him when he came over, and I'd suggest that you and Senator Philip might want to copy that.

PRESIDENT:

No, we have a tradition that Senator Sam will, at the appropriate time, take Don and go visit with our recalcitrant friends. All right, we indicated we'd start with Supplemental No. 3, that has been distributed as...as have the Conference Committee reports. Supplemental No. 3 begins with House Bill 877. The Conference Committee report on 877, Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. I've been informed that...confusion reigns in the House and they've already defeated this first Conference Committee report, so we might as well go to a second one. They've now told me that they're ready to pass this one in the same form in the House but they got confused, so we might as well run this one, defeat it and get to a second Conference Committee report. The...the language, I understand, is now clear to the House, that who wanted it is who wanted it, so let's run this one out of here defeat it and get to the second one.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee report on House Bill 877. 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, there are 14 Ayes, 18 Nays, none voting Present. Conference Committee report is not adopted and the Secretary shall so inform the House, and Senator Bruce requests the appointment of a second Conference Committee. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

I...I need some help from our electronic...marvel, 'cause

in trying to vote with the key on and et cetera, I got neither Yes, No or Present. So, before we get another vote, it didn't matter on that one, but before we have another vote, I would like to have some corrections so I'll get recorded on this voting, please.

PRESIDENT:

I'm saving you for later, Doc.

SENATOR DAVIDSON:

Thank you.

PRESIDENT:

House Bill 2740, Senator Lemke.

SENATOR LEMKE:

Mr. President, I understand that this bill had some problems in the House and I think we need a second Conference Committee.

PRESIDENT:

All right. The question is, shall the Senate adopt the Conference Committee report on House Bill 2740. Those in favor vote Aye. Those opposed vote Nay. The voting is open. All voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 13 Ayes, 27 Nays, 2 voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House. Senator Lemke requests the appointment of a...second Committee of Conference. Senator Bruce, 2892 on Supplemental No. 3. Okay. 2917, Senator Jerome Joyce. On the Order of Supplemental No. 3, Conference Committee Reports, there's a Conference Committee on House Bill 2917. Mr. Secretary.

SECRETARY:

House Bill 2917, first Conference Committee report on Senate Amendment No. 1.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

HB 3036
C.C.R.

Yes, thank you, Mr. President. We have passed both...this bill with the amendment on it. This is the one that...under the old law, a township reached an equalized assessed valuation of...of fifteen million or more, they would have their maximum tax rates automatically rolled back from...45 to .25. We passed that bill last year and, subsequently, we found that if they did not do this at the annual town meeting, then the tax rates would be rolled back to zero. So, I would ask that...and also the...there is an amendment here that Senator Sangmeister put on...

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, this includes that provision that we discussed when the bill first went out of here to allow townships to get involved in a very limited basis on senior citizen housing.

PRESIDENT:

All right, any further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 2917. 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 does adopt the Conference Committee report on House Bill 2917 and the bill having received the required constitutional majority is declared passed. 3036, Senator Welch. On the Order of Conference Committee Reports, report on House Bill 3036. Mr. Secretary.

SECRETARY:

House Bill 3036, first Conference Committee on Senate Bill...I mean, Senate Amendments 1 and 2.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'm going to move that we accept the report of the Conference Committee. This Conference Committee report will do two things; number one, it contains the bill that we passed concerning listing dioxin as a hazardous waste. This is a bill that was already passed out of the Senate. It was sent over to the House and they nonconcurred on the other part of the bill concerning attorneys' fees being awarded to the state's attorney or Attorney General. That part is out of the bill. The dioxin part becoming a hazardous waste is now in it. A second portion of the bill that has been added was due to a...a misdrafting earlier by one of the lobbyists on House Bill 3193 which set a schedule of fees for permits being allowed by the Pollution Control Board. We came up with a permitting system and a fee system under Senate Bill 143 earlier last year. What this bill does is reenacts those fees we passed earlier on 3193, only that bill did not have an effective date and it would not become effective until January 1, 1985. The Governor was prepared to sign that bill but they wanted one with an effective date of July 1, 1984, and that was the main purpose for inserting that on this Conference Committee report. So, I would move that we adopt the Conference Committee Report No. 1 to House Bill 3036.

PRESIDENT:

All right, Senator Welch has moved the adoption of the Conference Committee report on House Bill 3036. Discussion? Senator Rigney.

SENATOR RIGNEY:

Mr. President, I've been asked to say a couple of words on this. On this side of the aisle, I think we've reached agreement on what is now contained in this bill. Let it roll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

HB 2892
C. C. Rye.

All right, further discussion? Further discussion? The question is, shall the Senate adopt the Conference Committee report on House Bill 3036. 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 adopt the Conference Committee report...the first...Conference Committee report on House Bill 3036 and the bill having received the required constitutional majority is declared passed. House Bill 2892, Senator Bruce.

SENATOR BRUCE:

...thank you, Mr. President and members of the Senate. This is a bill that now deals with the automated record keeping system of clerks in the circuit courts in all counties other than Cook. There has been a long-going discussion about this automation. We allowed it for the recorder of deeds. It increases the court automation fee by not more than one dollar...not less than one dollar nor more than three dollars. We took a look at this. They are, in fact, in the process of automating their system. It is permissive. The county boards still have control of this. They are the one that would be...by board resolution allow this fee to be charged. Ask for your favorable consideration.

END OF REEL

REEL #5

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I was on this Conference Committee and...and didn't sign the report primarily because I had a concern that in some way this bill might allow circuit clerks to buy this equipment, install it and thereby force the county board to levy these fees. Now I understood, Senator Bruce, that you were to read into the record some disclaimer...language pertaining to that. I didn't hear that language. The other thing I'd like to point out that this bill...the Conference Committee report was called in the House and ran into some trouble there and was taken out of the record by the sponsor and...you know, my county clerks didn't ask me for this bill, I don't know where...really where this came from at the last minute. It hasn't...had a hearing anywhere, and...I...I don't...I don't particularly object to the idea, but I really object to the way it's being done, I guess more than anything else.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Bruce.

SENATOR BRUCE:

Senator Schuneman, I can't find the statement, but as I recall, I should say that this bill in no way allows the circuit clerk to go outside of his budget as established by the county board, in no way authorizes him to do any activity not authorized by his approved budget and he may in no way charge this fee until such time as the county board has by resolution so authorized. In addition to that, Senator, it...it has been called in the House and it passed 87 to 22, I

believe, probably ran into the same kind of problems. It's very late in the evening and I don't know whether they read this statement, but I...I cannot lay my hands upon it. If you have a copy of it, I would be happy to read it in the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Are you telling me that this has passed the House now? Okay. Well, I'm not going to persist, I guess, in this but I...I won't persist.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Eruce may close.

SENATOR ERUCE:

This is something the clerks have worked on, it's an automated record system. They...many of them have had a great deal of trouble automating the court records. It is in no way to...to go around the budget as they prepare by the...the county board, it's permissive with the county board, it certainly requires the county board to pass a resolution. The fee is not less an dollar nor more than three dollars, and I'd ask for your favorable consideration. It's passed out of the House 87 to 22.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the Conference Committee report on House Bill 2892. 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 45, the Nays are 6, 2 voting Present. The Senate does adopt the Conference Committee report...the Senate does adopt the first...first Conference Committee report on House Bill 2892 and the bill having received the required constitutional majority is declared passed. Senate bill...oh, yeah, with leave of the Body, the paper work, I understand, is catching

up and, Mr. Secretary, Messages from the House.

SECRETARY:

Message...excuse me. 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 Amendments 1 and 2 to a bill with the following title:

House Bill 3090.

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

Mr. President - I am directed to inform the Senate the House of Representatives has receded from their Amendment No. 3 to a bill with the following title:

Senate Bill 1943.

I'm further directed to inform the Senate that the House refuses to recede from Amendment No. 5 and request Committee...the first Committee of Conference. The Speaker has appointed the members on the part of the House.

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 recede from their Amendments 2, 4, 5, 7, 9 and 10 with a bill with the following title:

Senate Bill 1612.

They request the first conference and the Speaker has appointed members on the part of the House.

And Senate Bill 1853 has a like Message with Amendment No. 4.

And on Senate Bill 1864 with Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Bruce moves that we accede to the...the request of the House. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion carries. All right, back on the Supplemental Calendar No. 3

is...oh, Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

Mr. President, would a motion in regard to one of those bills be in order? I would like to...have a Conference Committee organized.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Etheredge, the procedure has been that we put it on the supplemental Calendar and then it's printed and distributed to the members and we'll be able to handle it at that time. Back on the...the Supplemental Calendar No. 3 is Senate Bill 1375. Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. There are four things in Senate Bill 1375. Number one, the original health care fraud bill is in there exactly as it left the Senate except we are reducing the penalty from a Class A to a Class C misdemeanor. Number two, in the bill, because of the problems that we are having at Stateville and in Pontiac with many people...not many but several people now trying to bring firearms into those State penitentiaries that we have to tighten up the penalties on that to discourage people from trying to bring weapons into State penal institutions. So, if you do that, it will be a Class X felony. This has nothing to do with county jails, only with State prisons. The third item in the bill is to change the number of days in which a car rental must be returned after receiving a written demand. It was seven days, that's been reduced to four days; and the last item in the bill is it puts in, for those of you that understand what this all about, it regulates the surplus lines insurance business. If you have any questions, I'll be happy to try to answer them; if not, I would move that we adopt Conference Committee No. 1 to Senate Bill 1375.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I rise only to urge support on this side of the aisle and from the other members for the bill of which I was one of the original cosponsors along with Senator Sangmeister.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1375. 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 adopt the first Conference Committee report on Senate Bill 1375 and the bill having received the required constitutional majority is declared passed. Senate Bill 1522, Senator Netsch. Senate Bill 1522, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would move that we adopt the first Conference Committee report on Senate Bill 1522. This is a World's Fair bill but it's not the one you've been waiting for. This is the bill that deals only with disclosure of interests in land that might come into the possession through acquisition, lease or otherwise of the World's Fair Authority at anytime that it might become actually operative. The only thing that the House had done was to add to my original bill which provided for disclosure of the beneficiaries of land trusts a disclosure requirement for the real interests, that is the...the...in effect, the beneficial interests in active trusts and a provision that...that deals with corporate ownerships under some circumstances. It is still entirely a disclosure of interest bill involving the World's Fair Authority. I would move that the Senate adopt Conference Committee Report No. 1 to Senate Bill 1522.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I...I think the sponsor has explained this...what this report does and I would recommend an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill...I'm sorry, on Senate Bill 1522. 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 none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1522 and the bill having received the required constitutional majority is declared law. Senate Bill 1911, Senator Luft. Senator Luft is recognized for a motion.

SENATOR LUFT:

Thank you, Mr. President. I would move that we do adopt Conference Committee Report...to...1 to Senate Bill 1911. The bill provided for priorities among claimants to assets of currency exchanges and receiverships. When the House applied the amendment, they prioritized license plates and vehicle stickers above utility payments. What we've done with the Conference Committee report is simply change that around and utility payments are now prioritized one higher than license plates and vehicle stickers, and I, once again, move the adoption of Conference Committee Report 1 to Senate Bill 1911.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The motion is to adopt. Is there any discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1911. Those in favor vote

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Concurrence*

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 adopt the first Conference Committee report on Senate Bill 1911 and the bill having received the required constitutional majority is declared law...declared law, l-a-w. With leave of the Body, we'll go back to the regular Calendar, page 7, Secretary's Desk Concurrence. Senate Bill 1714, Senator Joyce. Senate Bill 1727, Senator Marovitz. Senator Marovitz is recognized for a motion.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I would move that the Senate do concur with House Amendment No. 1 to Senate Bill 1727. This is the...this is the amendment that excludes from the sales tax exemption the gold coins issued by the Republic of South Africa. I think we...this bill has been debated sufficiently. Everybody understands what it is. I would...I would ask for a...an affirmative roll call. There's a severability clause in here...everybody understands, I think, what it is now, and ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Marovitz has made the...the motion to concur with House Amendment No. 1 to Senate Bill 1727. Is there any discussion? Senator Hudson.

SENATOR HUDSON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hudson.

SENATOR HUDSON:

I'm not sure, Senator, that I quite understand about the South African coins, bullions or whatever. Are they in or are they out? What happened?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...Senator Marovitz.

SENATOR MAROVITZ:

They are out by House amendment. They are out by House Amendment No. 1 and we are asking that they concur. There's also a severability clause in there in case there's a constitutional question. The bill will...will be declared constitutional and not unconstitutional on the basis of...of a question of one segment of the legislation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...further discussion? 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? Take the record. On that question, the Ayes are 48, the Nays are 3, 4 voting Present. The Senate does concur in House Amendment 1 to Senate Bill 1727 and the bill having received the required constitutional majority is declared passed. Senate Bill 1811, Senator Luft. Senator Luft is recognized for a motion.

SENATOR LUFT:

Thank you, Mr. President. I would move that we do adopt...or we do concur, I'm sorry, in House Amendment No. 2 and 4 to Senate Bill 1811. Senate Bill 1811 dealt with the School Code and changed equalized assessed valuation in determining the 1984 State aid of certain school districts. The amendments to the bill did nothing to change that formula. House Amendment No. 2 simply changes the law which now prevents school districts to lease from private parties and includes parochial schools. House Amendment No. 4 exempts from taxation the real estate of schools which is leased to a municipality to be used for municipal purposes on a not-for-profit basis. It's my understanding this amendment is designed to address a particular problem in Loves Park. It

wishes to lease a school building which is not currently being used for...educational purposes and the status of the taxability is in question and this clears it up. If there are no questions, I, once again, will move to concur in House Amendment 2 and 4 to Senate Bill 1811.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, you...Senator Luft has moved that the Senate concur with Amendments 2 and 4 to Senate Bill 1811. Is there any discussion? All right, the question is, shall the Senate concur in House Amendments 2 and 4 to Senate Bill 1811. 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 2 and 4 to Senate Bill 1811 and the bill having received the required constitutional majority is declared passed. Senator Euzbee, for what purpose do you arise?

SENATOR EUZBEE:

Just a point of information. That last bill, what Calendar was that on? I was looking for Senator Luft and it was 1911 was on...1811, okay, on...on the regular Calendar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the regular Calendar.

SENATOR EUZBEE:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 1883, Senator Schaffer. Senate Bill 1941, Senator Holmberg. Senator Holmberg. Bottom of page 7, Senate Bill 1941. Senate Bill 1946, Senator Luft. Page 8 on the regular Calendar, House Bill 1563, Senator Savickas...I'm sorry, that's on the Order of Nonconurrence. Senator Darrow, for what purpose do you arise?

SENATOR DARROW:

Thank you, Mr. President. I would ask leave that the Executive Committee be discharged from further consideration of Senate Bill 976 and that it be reassigned to Judiciary II for further study.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Darrow has scught leave of the Body to...to discharge Senate Bill 976 from the Committee on Executive and have it referred to Judiciary II. Senator...I mean, Senator Schuneman.

SENATOR SCHUNEMAN:

This is the bill, I...as I understand it, that would be judicial reapportionment and should perhaps properly be in the Judiciary Committee. Senator Darrow spoke to me about it earlier and, as I understand, it's agreed with both sides of the aisle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Darrow has...has moved to discharge the Committee on Executive from further consideration of Senate Bill 976 and have that referred to Judiciary II. Senator Egan, for what...

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. I totally agree, I'd love to get rid of it, but as long as you're on this order of business, I'd like to bring up the fact that there is a consent...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

...there's a Consent Calendar on resolutions that if we don't do tonight we may not do it and I'm just curious.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We're going to resolutions next. There are some more...

SENATOR EGAN:

God love you.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...to be added. I hope so. Senator Darrow.

SENATOR DARROW:

Yes, now...was I granted leave? Okay.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator...Senator Darrow has...with leave of the Body, has moved to discharge the Committee on Executive of Senate Bill 976 and have it referred to Senate Judiciary II. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. It's so ordered. Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Now, I would ask that my name be removed as chief sponsor of this legislation and that it be reassigned to Senator "Pate" Philip. There's some question whether that this is a Democratic move or not, and I figured if we give it to the Minority Leader, there's no question but that this will be a bipartisan effort.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Darrow, you've spoken with Senator Philip in this respect? All right. Senator Darrow seeks leave to have his name removed as the sponsor and have...and have added Senator "Pate" Philip. Is leave granted? Leave is granted. It's so ordered. Resolutions.

SECRETARY:

Senate Resolution 743 offered by Senators Davidson and all Senators, and it's congratulatory.

744, by Senators Dawson, Bloom, Carroll and others, and it's congratulatory.

Senate Resolution 745, by Senators Lechowicz, Rock, Marovitz and others, and it's congratulatory.

Senate Resolution 746, by Senator Etheredge and Grothberg, and it's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Consent Calendar. All right, with leave of the Body, we

will move to page 8, Secretary's Desk Nonconcurrency. House Bill 2388, Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I would...would move that the Senate refuse to recede from Senate Amendment No. 1 on House Bill 2388 and that a Committee on Conference be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland moves to nonconcur with...all right, Senator Maitland has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to Senate Bill 2388. Is there any discussion? All right, Senator Maitland has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 2388 and a Conference Committee be appointed. All in favor signify by saying Aye. Opposed Nay. The motion carries and the Secretary shall so inform the House. All right, page 8, House Bill 243, Senator Vadalabene, on the Order of Nonconcurrency. Senator Vadalabene.

SENATOR VADALABENE:

Yes, I refuse to recede and ask for a Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Vadalabene has moved that the...Senator Vadalabene, you want to state your motion again?

SENATOR VADALABENE:

Yes, Mr. President and members of the Senate, I refuse to recede on the Senate Amendment 1 to House Bill 243 and ask for a conference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, you've heard the motion. Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

...a parliamentary inquiry, Mr. President. We considered this motion earlier in the evening, the motion failed. Is

the...thank you, very much,...

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Senator Schuneman.

SENATOR SCHUNEMAN:

We considered this motion earlier this evening, the motion failed. My question of the Chair is, is the motion properly put?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Under...under our rules, in fact, the gentleman has the prerogative of making the motion. It is, in fact, in order. Is there further discussion?...Senator Schuneman.

SENATOR SCHUNEMAN:

So we can continue to make the motion and make the motion and...okay. Well, the members should be aware that we have really done a pretty good job this year about controlling pensions and giving everybody increases in pensions that we really can't afford. The Senate Rules Committee held the House pension bills that came over here and they were not considered. Now, this procedure is intended to bring all those issues before us, and I suggest to you that this is a bad way to legislate pension legislation. It's late in the evening, these bills have not had...a hearing in the Senate, we should reject this motion in spite of the very good...sponsor that we have on this bill and not allow this matter to go to...Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Sam, I know you were happy about the rabbit, but that really wasn't necessary.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Further discussion? Senator Buzbee.

SENATOR BUZZEE:

I...I would defer to Senator Vadalabene first. I don't

want to get involved in that one, I'd like to...I'd like to get back though.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yeah, Bev, this is Sam. What the hell are you talking about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Euzbee.

SENATOR EUZBEE:

Well, I...I think Senator Schuneman raises a very good point. I get very, very paranoid about pension bills at ten o'clock on June 30th. Perhaps I ought to follow the Regner rule and...and just vote No on every pension bill that comes up after June 15th, but I don't have any idea what's in this, I don't know what we're doing to anybody's pension, and I would like to have some indication as to what it's all about and perhaps...maybe...maybe copies of what we're talking about and so forth, because I...I just think that at this late hour to get involved in starting to change some pensions is...is not...not to the best interest of...of the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator...Senator Vadalabene. All right, Senator...Senator Vadalabene moves that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 243 and that a Conference Committee be reported...appointed. All those in favor say Aye. Roll call has been requested. Senator Euzbee.

SENATOR EUZBEE:

I...I'm not requesting a roll, I just want to know what we're doing. Well, I'm not willing to wait for a Conference Committee. I know what comes out of Conference Committees on pension bills, and I'm not willing to do that at this point.

I...I want to know what's in the bill, and I want to know why we're going to a Conference Committee, whose pension are we going or...or...or whose pension are we enhancing? That's...that's...that's the only question at this point.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator D'Arco.

SENATOR D'ARCO:

Yeah, Mr. President, this year in the Pensions Committee, Senator Schuneman, Senator Rupp, myself and every member of that committee have been tremendously studious and cogent about the State's money regarding pensions, and we haven't passed one pension bill out of that committee that would increase pensions for the State of any...of Illinois or any other local unit of government in this State; and, Senator, I want you to know, as far as I'm concerned, there will be no pension increases this year, and I'm sure the Republican side feels the same way.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? A roll call has been requested. Senator Vadalabene moves that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 243. 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 11, the Nays are 35, none voting Present. The motion fails and the Secretary shall so inform the House. Senator...Senator Vadalabene.

SENATOR VADALABENE:

Yes, no...no, you announced the roll call, I want to...I want to do something else.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

It has, in fact, been announced. Senator Vadalabene.

SENATOR VADALABENE:

Okay, what I want to know now is, I'm going to concur

with the amendment that the...all right, now I want to recede from Amendment No. 1 that the...that the House put...on Senate Amendment No. 1 and ask for a roll call and get rid of this thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...

SENATOR VADALABENE:

I gave them two shots at it and it seems like I'm having some difficulty.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Vadalabene has...has moved to recede from Senate Amendment No. 1 to House Bill 243. Is there any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

I think it's a wonderful bill. I support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Euzbee.

SENATOR EUZBEE:

Well, Sam, I'm sorry to...what...what does the bill do in its present form?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, what the bill does in its...present form, and I'm going to try to do to it by memory, last year we...we passed a bill where the...the insurance...the self-insured municipalities were not covered under that bill, and this bill...in this one tonight, the self-insured insurance people will let the retired...retired firemen get into the pension program but they have to pay for it, and that's what this bill does now without any amendments on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall the Senate recede from Senate Amendment No. 1 to House Bill 243. Sena-

tor Bruce.

SENATOR BRUCE:

I just want to know, since you've knocked off the State Mandates Act, what is the cost to the State of Illinois to do this? Because under the Mandates Act, we have...we have to pay and I...I think we have not paid a pension system yet, we've always put it under the State Mandate's Act. This is the first pension bill I know of we've passed where the State of Illinois is going to pick up the cost. Just want to know what it's going to cost us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Well, first of all, most of the larger cities are...are self-insured. What it's going to cost the State of Illinois, the...the highest figure that I'd gotten was the City of Rockford, I think, was approximately nine thousand or ten thousand dollars, but the cost to the State of Illinois, the way it was told to me in committee, was miniscule and this is the only thing I can tell you at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? The question is, shall the Senate recede from Senate Amendment No. 1 to House Bill 243. 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 37, the Nays are 4, 3 voting Present. The Senate does recede from Senate Amendment No. 1 to Senate Bill...to House Bill 243 and the bill having received the required constitutional majority is declared passed. If we can get some Pages down here, we will begin to pass out Supplemental Calendar No. 4. I am told that there's been a request...all right, with leave of the Body, while we are passing out the supplemental; there's been a request made

HB 3090
non-concurrence

that we return to Secretary's Desk Concurrence on page 7 and pick up Senate Bill 1714. Is leave granted? Leave is granted. On the regular Calendar, page 7, Order of Concurrence is Senate Bill 1714. 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. 1 to Senate Bill 1714.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Joyce has moved the concurrence with House Amendment 1 to Senate Bill 1714. Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I'm so used to jumping up in opposition to this bill. This motion I rise in strong support and urge everybody to vote green.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Keats. Further discussion Senator Joyce's...on Senator Joyce's motion? The question is, shall the Senate concur with House Amendment 1 to Senate Bill 1714. 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 Amendment 1 to Senate Bill 1714 and the bill having received the required constitutional majority is declared passed. All right, if everyone has a Supplemental 4 number Calendar...with leave of the Body, we will go to Senate Supplemental Calendar No. 4, Secretary's Desk Nonconcurrency is House Bill...House Bill 3090. Senator Etheredge is recognized.

SENATOR ETHEREDGE:

Yes, Mr. President, I move that the Senate refuse to recede and request a Conference Committee be appointed.

14B 3060
CC. Report

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Etheredge has moved that the Senate refuse to recede from Senate Amendments 1 and 2...is there discussion? All right, Senator Etheredge moves that the Senate refuse to recede from the adoption of Senate Amendments No. 1 and 2 and that a Conference Committee be appointed. All those in favor signify by saying Aye. Opposed Nay. The motion carries and the Secretary shall inform the House. On the Order of Conference Committee Reports is House Bill 3060, Senator Joyce. Senator Joyce is recognized for a motion.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I would move that we would concur...House Bill 3060 is the Midwest...no, it's not the...Central...Central Midwest Compact. It is one that we have voted on here before. There are a few changes. I will try to present them to you. There...there was a problem with the rate that we passed for charges on low-level radioactive waste...we pushed that from a dollar to five dollars, in the Conference Committee, it's gone back down to two dollars. There is some slight changes in the...the way that the shallow land burial is talked about, and also there's a...a problem that one of the representatives in the State of Kentucky had, he represents the area of the Maxey Flats, a...a large radioactive dump similar to Sheffield, and we have cleared up the problems there, so I would be happy to answer any questions that anyone would have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Joyce has moved the adoption...Senator Joyce...oh, Senator Joyce has moved the adoption of the first Conference Committee report to House Bill 3060. Is there discussion? Senator Marovitz.

SENATOR MAROVITZ:

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

Senate. Senator Joyce, I see by the compact that you're prohibiting shallow land burials except for highly engineered concrete bunkers. Now, I want to know if a...if a facility can be covered with earth and clay?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JCYCE:

Yes, thank you. It could be covered with earth and clay but the waste...but the waste could be retrieved if there was a problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, so much for that answer, Senator Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall the Senate adopt the first Conference Committee report on House Bill 3060. 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 adopt the first Conference Committee report on House Bill 3060 and the bill having received the required constitutional majority is declared passed. Senate Bill 1538, Senator Etheredge. Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this Conference Committee report is in...is in two parts and I'm looking for Senator Nedza. Is he on the Floor? If he's not, then I would ask...Mr. President, Senator Nedza is not...is not on the Floor. I would ask leave to pass over this now and then come back to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, with leave of the Body, we'll take Senate

Bill...Senator Nedza has returned to the Floor. Senator Etheredge, do you wish to proceed?

SENATOR ETHEREDGE:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZZIG)

Senate Bill 1538, Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, this Conference Committee report is in...is in two parts. The...the first part contains the provisions of Senate Bill 1538 which...and the amendments which were put over...applied by the...by the House. I will attempt to explain those to you. The...these are amendments to the Sanitary District Act of 1917. The original bill contained a provision in regard to the interest rates which could be paid on bonds sold to...to do assessment...projects. As you know, we've been going through the Statutes and changing the interest rate provisions. What...what the bill did was to bring the sanitary districts' interest rates into conformity with interest rates as identified in other parts of the Statutes. The House Amendment No. 1 gives to the sanitary districts organized under the Act of 1917 some powers in regard to dealing with those of their customers who...who pollute...who...the materials that are supplied to the sanitary district for treatment. These are the same provisions which the metropolitan sanitary district now enjoy and I...and I think are reasonable. House Amendment No. 2 identifies how emergency expenditures can be handled by the...by the...the trustees of a sanitary district. They say that under certain closely structured circumstances, the trustees of a sanitary district may award contracts up to forty thousand dollars without competitive bidding upon two-thirds vote of the members of the trustees...and the identification by public notice of a...an emergency. I think these describe the...the

amendments to the...to this bill. I would be glad to respond to any questions. Then the second part of this conference report, I would turn to Senator Nedza for explanation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, if...Senator Etheredge has moved the adoption of the first Conference Committee report to Senate Bill 1538. Is there any discussion? Senator Nedza.

SENATOR NEDZA:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate and thank you, Senator Etheredge. The latter portion of the Conference Committee report is...if you will recall that Monday, because of the long discussion with the emission bill which was 2913, this Body did not have an opportunity to revert back to the postponed consideration. This is House Bill 2753 which was the sanitary district bill dealing with the selling of working cash bonds, and because of not being able to get back to the third...or to postponed consideration, I prevailed upon Senator Etheredge, if it would be possible because the fact of the bill had...did receive 29 votes...that if we...he would...acquiesce and have this bill amended into this bill because it's the same subject matter. If you'll recall, a very briefly, there was some opposition to it in principle because of the fact that it was a...a levy of one-half cent in order to retire the...the...the bonds. The...very simply, the concept of this bill is that the lower interest cost, because the sanitary district at the present time can...sell or...or sell the tax anticipation notes. All this does is...is allows them to have a working cash fund which...and the bonds that they will sell will be...the debt service would be by the one-half...one-half cent levy to finally retire the bonds. The ultimate end of this is a cost saving to the taxpayers of a...a little more than three and a half million dollars, 3.6 to be exact. I also would ask for your favorable consider-

ation in adopting Committee Amendment No. 1...Conference Committee No. 1 to House Bill 1538.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 1538. Is there further discussion? Senator Etheredge may close.

SENATOR ETHEREDGE:

I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1538. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Bruce. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 22, the Nays are 27, 1 voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House. Senate Bill 1794, Senator Bloom. On the Order of the Supplemental Calendar No. 4 is Senate Bill 1794. Senator Elcom is recognized.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. Senate Bill 1794 was the fleeing and eluding bill sought by the State police.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Bloom.

SENATOR BLOOM:

Sure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...interrupt you. Senator Etheredge, did you wish to request a second Conference Committee? All right, Senator Etheredge has...has requested a second Conference Committee on Senate Bill 1538. Pardon me. Senator Elcom, now it's Senate Bill...Senate Bill 1794. Senator Bloom.

SENATOR BLOOM:

Are we set?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Yes, sir.

SENATOR BLOOM:

Okay, thank you. Senate Bill 1794 in its present form has House Amendments 1 and 6, and basically what that did is further tighten down the fleeing and eluding language. The bill itself basically created the offense of fleeing or attempting to elude a police officer and, as you may recall, what the House did is provide that there be...as the elements of the crime, excessive speed, personal bodily injury or at least three hundred property damage, and Amendment No. 6 requires that the property damage relates to private property and that ties it down a little further. That's essentially what it does to our fleeing and eluding bill. There was some concern that this would be a vehicle for compulsory insurance; let me assure you, it is not in there. It is fleeing and eluding. Answer any questions, otherwise, move we...adopt the report.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Bloom has moved the adoption of Senate...of the first Conference...Conference Committee report to Senate Bill 1794. Is there any discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1794. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Sam...Sam. 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 the first Conference Committee report on Senate Bill 1794 and the bill having received the required constitutional majority is declared passed. Senate Bill 1841, Senator Degnan. Senator Degnan is recognized for a motion on Senate Bill 1841.

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SENATOR DEGNAN:

Thank you, Mr. President. 1841 was here before. The bill is the Prisoner...Review Commission reform. The House added three amendments, we adopted those two out of three. Senator Netsch and Sangmeister called my attention to a flaw in House Amendment No. 5. We have corrected that problem. House Amendment No. 5 is now back in...good shape. I would move its adoption

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan has moved the adoption of the first Conference Committee report on Senate Bill 1841. Is there any discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1841. 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 adopt the first Conference Committee report on Senate Bill 1841 and the bill having received the required constitutional majority is declared passed. Senate Bill 1939. Senator Jerome Joyce is recognized for a motion.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I would move to concur in...in the first Conference Committee report. What this does, it strips the cancer reporting part of the bill and puts in the bill that we have passed here that was Senator Rock's that would prohibit the transportation of hazardous nuclear material without an ICC permit. We passed this bill overwhelmingly in the Senate. It went to the House and failed by one vote, and the very next day on the...after the vote failed in the House, the rail lines that this fuel coming from Nebraska would be traveling there was a derailment near Montgomery, Illinois. I think that this will prove to the House the...the error of their ways, and I would

ask that this be adopted and put into the law of the State of Illinois. I'd answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Senator Joyce has moved the adoption of the first Conference Committee report to Senate Bill 1939. Is there any discussion? Senator Rigney.

END OF REEL

REEL #6

SENATOR RIGNEY:

Well, Mr. President and Ladies and Gentlemen of the Senate, I hope everybody is kind of paying attention on this one now, because if you're only looking at what is printed before you, you might get the impression that you're voting on the Cancer Registry Act, and that has nothing to do with the subject at hand any longer. As Senator Joyce has pointed out to you, this is an issue that we have dealt with before, a bill that, as I understand, has now been twice killed in the Illinois House and we have now decided in our wisdom that we're going to send it back a third time now in the form of a Conference Committee. First of all, I think we should point out that there has been litigation on the subject of regulation of...of spent...of shipping of spent fuel rods; specifically, a General Electric case that apparently dates back to 1982, in which the Seventh Circuit Court in Chicago struck down the Illinois Spent Fuel Act and said, and I quote, "The shipment for storage interstate or intrastate alike of spent nuclear fuel." That the State is preempted from any action in that particular area. I guess maybe the next logical question to ask the sponsor then, is whether or not he feels that within the context of this General Electric decision does this regulate shipment for storage of spent fuel? What is your understanding of the bill?

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. No. This is a permitting process, and I think that it...that what it tells us is that it's going to require the shippers to cooperate with the

local people as the...this goes through the State of Illinois. The local people will be made aware, they'll have something to say about it. It goes through Mcnmouth, Galesburg, Kewanee, Princeton, Mendota and Aurcra, and then there's more rods coming from Minnesota and California and they're going to be...running through the rest of the State of Illinois. So I think that we all ought to be concerned that our locals know a little bit about what's going on and that...that they...our Commerce Commission will inspect the rail lines and make sure that things...these things are safe, witness the rail line that this would be traveling on, the...the derailment at...at Montgomery, Illinois. I think that that tells us something. Now, you say that the House has voted on this twice. They did and the very next day there was a derailment. I think that may show the House the error of their ways.

PRESIDING OFFICER: (SENATOR DEMUOZIO)

Alright. Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, I find that answer to be rather amusing when we you say the permitting process is not really the process of regulation of...of shipment. I find that rather hard to believe, rather interesting, a rather novel answer to say the least, but I understand your reluctance to say that you really are directly interfering in the shipments...cr storage of...of spent nuclear fuel. The only thing I might comment on in addition to this is that this permitting process, that Senator Joyce is pointing out gets rather involved and delayed. And the net effect can be to make it almost impossible to ship any spent nuclear fuel in our State. Now if that's, you know, what you want to accomplish, you've got a good chance of perhaps reviving some legislation that was found already to be unconstitutional, but realize that if the Governor decides to sign this, there's a four-month period of

time for the Commerce Commission to develop regulations; then, of course, permits would have to be applied for, there's a hearing process that chews up still more time, if folks are not satisfied at that point, you can take the thing on into court. The delay can be...can go on for months and months. So...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Rigney, would you bring your remarks to a close, please? Senator Rigney.

SENATOR RIGNEY:

Okay. I'm just pointing out to you that we've...this bill has come a long way from the way that it was originally introduced. It's a bill that has been twice rejected in the House, and I think we'd be well-advised to do the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee. Senator Luft. Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. Senator Rigney, quite frankly, I am shocked that you, as the spokesman on the Agriculture Conservation and Energy Committee of the Grand Old Party, the party that has long been the advocate of State's rights, should stand up and say that you don't think the State of Illinois ought to have the right to issue a permit for the transportation of spent nuclear fuel rods through the State of Illinois and, specifically, in the case just pointed out through the communities of Monmouth, Galesturg, Kewanee, Princeton, Mendota and Aurora. Now, this is just the beginning of many, many to come. I happen to also as a Democrat be a State's righter, and I will tell you that I want my Commerce Commission and I want my elected representatives in the General Assembly to have a say as to some private corporation bringing in spent nuclear fuel rods from another state...from a power plant that produces electricity for another state to

bring those spent nuclear fuel rods into my State for the personal profit motive of this private corporation which is fine, and I have no problem with that, except that I want my regulatory agency, the Interstate Commerce Commission and my General Assembly that I can vote for or vote against to have input in to the whole process as to the safety of the rail line that that spent nuclear fuel line is coming in on. Could I have just a little bit of order, Mr. President? Just a little bit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The Senate will come to order. Senator Euzbee.

SENATOR EUZBEE:

Thank you. Now the fact of the matter, Senator Rigney, is that the content of this bill is not your real problem with the bill. Now that's all right, I understand those kinds of fights and arguments, but why don't we identify what the real problem is with the bill. This is a bill that is designed to give the citizens of the State of the Illinois a little bit of added protection against the possibility of spent nuclear fuel rods being deposited in their back yard through an accident. Now this one happens to be coming...the one that Senator Joyce is talking about, happens to be coming from the Nebraska public power district. We're going to have them coming from Minnesota, we're going to have them coming from California, and I personally want to see the Illinois Interstate Commerce Commission have the authority to go in and look at those rail lines; and we all sat there in that committee and saw the pictures, saw the pictures of the rails over which these trains are going to be traveling that carry these spent nuclear fuel lines...fuel rods.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright.

SENATOR EUZBEE:

I wouldn't even want a boxcar empty to go over these kind

of rails. I think the Illinois Commerce Commission should be given this kind of authority. This is good legislation. It State's rights legislation, and it's protecting the...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee, can you bring your remarks to a close?

SENATOR EUZBEE:

Yes. I'm being interrupted by the..the gentleman sitting on my left and so it's...it's interrupted my train of thought. So, I...thank you, Senator Davidson, I'll remind you the next time you go over the speed limit too. I just want to say that I think that this is a good piece of legislation. Senator Rigney is attacking the...legislation for the wrong reason, and we ought to pass this. I join Senator Joyce in asking for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr...thank you, Mr. President. I rise in support of this legislation, and I'm surprised at Senator Rigney coming here and reading a Supreme Court decision to us. As a lawyer, I know that you can read those things in almost any light you want to read them. I would point out to him that he is citing the commerce clause of the Federal Constitution, and what he is saying is that the original decision last year on a different subject stated that we cannot regulate interstate commerce. Well, I would point out to him that we do regulate interstate commerce, and the Federal Government says we can. We have State policemen who hand out tickets to people in interstate commerce. We issue truck permits to trucks in interstate commerce. The question in that case, I believe, was one of whether it was a reasonable fee and that is what the court based its decision on. This is a totally different subject. This is based on the idea that we have the right to issue a permit. It also comes under the question of

whether we can provide for the safety of our citizens here in Illinois, and I think that that is certainly a right that the Federal Government will not take away. Just this past year, in 1983, in an area where we thought we could not do anything as far as State's rights go, the Federal court came out with a decision saying that states can put a moratorium on nuclear power plants. Nobody thought we could do that before but the Supreme Court said that we could. So these decisions and these laws are not as ironclad as that decision would seem. And speaking to the fact of this matter, I would like to point out that I was able to take a ride on the railroad tracks in which these fuel rods will travel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Welch. May we have some order, please. Senator Welch.

SENATOR WELCH:

I traveled some thirty miles on those tracks and I visited one of the yards up by Aurora, and I want to tell you, and tell everybody here, that at those yards they have some twelve separate rail lines that feed into that yard. There is no requirement that some other chemicals are not be in tankers in that yard, we don't know what's going to be in those yards next to these spent fuel rods. I was also given the grand tour at the General Electric Plant in Morris, Illinois, and they told me the wonders of this casket in which they're going to carry these fuel rods. They have testified and the spiel that they gave is that these caskets are safe up to twenty-four hundred degrees Fahrenheit. Unfortunately, some chemicals burn at a higher Fahrenheit than twenty-four hundred degrees, and there's no prohibition on tankers being filled with those chemicals being in the yard at the same time these spent fuel rods are transferred from train to train and crew and crew. There needs to be some regulation here. We have to do something. This is matter not just for

northern Illinois, it's a matter of safety for the entire State of Illinois. This is a new area for us to get into. It's an area we must get into, and I think that this is an excellent piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. I just want to tell my colleagues, in my former life I served on a board of directors of one of the largest trucking companies in the State of Illinois. It was a family corporation owned for a hundred and thirty-five years...Senator Rigney is entirely right, we haven't got the right to do this, not that it has stopped us before, but I would at least suggest on my account to...people on...on my side of the aisle unless we...we want the Governor to veto another bill, we ought to vote No.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Alright. Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

Well, in all respect to the lady, I...I really don't care about her former life, I want what's going on now.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Point of inquiry, Mr. President. Has a copy of this...do we have copies of this report?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, Senator Hudson, we've been on this supplemental Calendar now for forty-five minutes. This is the first request. I assume they've been distributed. All right.

SENATOR HUDSON:

Well, I have...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Geo-Karis has one right behind you.

SENATOR HUDSON:

All right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson, while...you want to come right back to...all right. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, on that same point, Mr. President, this is not the first bill in this series that I think has not been distributed. Perhaps it's just on this side, but there is a problem with the distribution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, I am told that they were given to the Pages for distribution. Further discussion? Senator Hudson, do you wish to...all right. Further discussion? Senator Bock.

SENATOR BOCK:

Thank you, Mr. President...thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise, obviously, in support of the Conference Committee report on Senate Bill 1939. This Body will recall, I am sure, that the exact language, the exact provisions of this Conference Committee report were considered at great length in the form of Senate Bill 1352...82, took my glasses off, and on the 25th day of May, after some lengthy discussion, the members of the Senate decided that Senate Bill 1382 deserved their support and it was voted out of this Body on a vote of 52 to nothing. There was not a single negative vote, because this Senate decided that at the very least based on the testimony that we heard in committee that since this State and its people are going to be subjected to the infusion of in excess of five hundred tons of spent nuclear fuel the very least we could do, the very least we could do is at least find out if it could be transported safe, and how is it to be transported safely?

Over a safe rail bed, most assuredly; over a safe bridge and trestle, I hope most assuredly; and who's going to make that determination? Based on an application from the carrier to shipper to receiver, they're going to ask the Commerce Commission, can we do this? Is this okay? And the Commerce Commission is then going to decide that this rail line that comes through nine counties in our State where they had a derailment not a week ago, that Mayor Hill from Aurora...supplied, I'm sure, all of you with pictures of, that the Commerce Commission is going to have to decide, yes, indeed, everything is fine, so that at the very least, the people of Illinois can be assured that this stuff...and I say stuff advisedly, because this is spent nuclear fuel, and I am the first to admit and agree with the gentleman from GE, that, yes, we understand they have contractual arrangements; and, yes, there will be two hundred tons of this stuff coming in from the Nebraska public power district over the next five years; and, yes, there will be shipments coming in from Minnesota and there will be shipments coming in from New York, and if they break up Three Mile Island, they'll be shipping it right through our State we hope and out of this State somewhere else, but at the very least, can't we say to the people of Illinois that a State agency has taken the time and the trouble to take a look and see if it can be done safely. I sat in committee in both the House and the Senate. This is not an attempt legally or any other way to prohibit the shipments, the court has said we cannot do that. But it seems to me in the exercise of our police power, we can at least ensure that it's done in a correct manner, and I'm not going to stand here and say that it is not today done in a correct manner, because I don't believe any one of the parties has any sinister motivation. All I'm saying is prospectively looking forward to hundreds of tons of this stuff coming into our State, we ought to be a little careful,

and say, somebody, please, take a look at this and once you attain a permit bring it on in, at least we can, then, be assured that the local officials will know what they're doing and that the State officials will be aware. I urge an Aye vote on this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Gec-Karis.

SENATOR GEC-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I heartily concur with Senator Rock. I think I have a vested interest for my district because those spent nuclear...fuel rods are very, very close, they're right in my town, and I think this is a good bill. It provides for regulation through a permit system, the transportation of spent nuclear fuel rods within or through Illinois, and I think the safety of our people is the biggest priority we have to have when we're dealing with nuclear fuels. I support it completely.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen in the House. This is a very important subject matter which is contained in this Conference Committee on 1939. The Governor in his wisdom four or five years ago by an Executive Order mandated that the State police follow any type of hazardous material being shipped on the roads in the State of Illinois. He noticed at that time it was a serious public policy concern. It was...an area that...was not addressed either by the General Assembly or no reality in any other states in...in this country. Senator Rock has tried to make this a nonpartisan matter. We're talking about the spent energy of nuclear...and unfortunately, many of us do not realize the serious consequences...the long serious consequences of this spent fuel. He is trying in his utmost to promote the safety

of not only the well-being of the people of Illinois but in any other area that it's going through as far as to make sure that it is done in the safest possible manner. That is the purpose of this Conference Committee. It really is not a partisan matter. It should be supported wholeheartedly. It's an area that defines and promotes the public safety of a very serious subject matter, and it does consider your Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jerome Joyce may close.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is on the adoption of the first Conference Committee to Senate Bill 1939. The question is, shall the Senate adopt the first Conference Committee on Senate Bill 1939. 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 50, the Nays are 5, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1939 and the bill having received the required constitutional majority is declared passed. We will now return, with leave of the Body, to page 10, the regular Calendar...page 10 the regular Calendar to total vetoes...House Bill 1399. Senator Lemke.

SENATOR LEMKE:

I move to override the Governor's veto on House Bill 1399. I think we all know what the bill does. It makes the corrective changes in the bill to make the present Statutes for...concerning abortion constitutional. I think it's a good bill and looking over the Governor's Message, I believe he may have made some mistakes, because Section 2(7) and

Section 6(7) have been held constitutional by the court and have not even been the subject of the lawsuit presently pending in Charles versus Carey. I think it's necessary that we move to override the veto of the Governor, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Friedland.

SENATOR FRIEDLAND:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Friedland, there is at least three lights that are on. If you'll hold that motion just a second. Senator Keats.

SENATOR KEATS:

Senator Friedland, I commend you and I will live up to that about one minute allowed after that. On this bill that the Governor vetoed, I'm rising to say I think we should sustain the Governor, and I'll just say, we've all heard the arguments, I'm not even going to bother you with the arguments, I'll just say May 31st, 1984, on a Pennsylvania bill of a virtually identical bill the Supreme Court overturned it. Less than sixty days ago they basically overturned the same bill. I have no objection to hiring a group of attorneys to defend our position, God knows, I'm not above giving a little money to my friends, but I'm just saying May 31st of this year, they just overturned a very similar Pennsylvania bill. It's probably unconstitutional. It's an exercise in futility but what the heck.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Ladies and gentlemen, the timer is on. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. Will the sponsor yield for a couple of...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

First of all, is there anything in here...if my daughter is a victim of...of a rape, is there anything in here that will allow her to have an abortion if she is impregnated by that rape?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

No, and that's...she can have the abortion, but if she refuses...if she feels by telling her parents that she doesn't want the abortion, the judicial procedure is there to...to allow her to get the abortion without the notification of her parents. That provision is...is...is in the Act presently. In fact, in the case that Keats was talking about, the judge reversed himself after he read Judge Flann's opinion on that subject matter. He made a mistake.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Where does it say in here that if...if you are a victim of either rape or incest that you may have an abortion if your life is not in danger? Show...tell me the section.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

That is not in this bill. That is not in this bill at all. We don't touch that subject matter in this bill. If it's in the Act, then that's a different part of the bill and that's in the present hands of the appellate court, but this bill does not deal with that subject. What we have done is change some wording because they said there's a difference between confidentiality and anonymity, and I don't know what

the differential is, but the judge said there is a difference in the definition, so we changed that to conform to the judge's wishes. I mean, he says there's a difference between the word "human being" and "Homo sapien." So, we use the words "Homo sapien." I mean, this is what we're getting down to is finally trying to find some words for some reason for a...a sitting Federal Judge who's liberal to construe the Act unconstitutional, let us take our course up to the appellate court and go further up on these silly little definitions which we all know a human being is a Homo sapien, and...and that...and that confidentiality and anonymity is the same. So, this does not deal with your subject matter...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Fawell...Senator Fawell.

SENATOR FAWELL:

Mr...Mr. President, I...I...I have...I have been asking some questions. He has managed to take all five minutes of my time, which I strongly object to. I think all he is doing...trying to delay this thing. There is nothing in here about...about a child who is a victim of incest. There is nothing in here about a child who is a victim of rape. If I, as a mother or my husband...former husband, as a father, wanted to protect our child under those circumstances, we are liable to a prison sentence. I think this is a bad bill. I think we are trying to stop any abortion under any reason whatsoever with this bill. It will be unconstitutional and I think everybody with any guts on this Floor will vote No, but I presume it will pass anyway.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, there are three additional speakers. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I...

SENATOR GEO-KARIS:

Mr. President and Ladies and...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'd like...I have...pardon me, Senator Geo-Karis, I had my Calendar on this part of the...Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I've always been under the opinion that I would support a pro-life amendment as long as it excluded the life of the mother and also if she were involved in rape or an incest case. Now, Senator Fawell is absolutely right. Those contingencies are not covered in that bill. I feel that I, as a Greek Orthodox, who do not believe in abortion except under those circumstances that I've enumerated have a duty to have a conscience. My conscience tells me, yes, I'm against abortion. My other part of the conscience says, we have spent approximately two hundred thousand dollars every time that we have one of these bills go up to the courts and they're taxpayers' money which should be used to help combat child abuse, to help the elderly, to help education, to help the handicapped. So, although I am not going to vote for the bill, and I'll be forced to vote...vote Present because I do not believe in abortion except in the circumstance which I enumerated. I feel it's a bad bill, it's unconstitutional and I thought that Governor...Governor Thompson's review of it is very fair and very fairly based. When you figure out if we spend about a eight hundred thousand dollars in the past four or five years fighting unconstitutional bills, are we doing the taxpayer a service or disservice by continuing to fight for causes that are unconstitutional? I feel that this bill is a bad one and I speak against it, although I have to vote Present because I'm not in favor of abortion as a whole.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Kelly.

SENATOR KELLY:

...thank you, Mr. President and members of the Senate. I rise in strong support of House Bill 1399. This bill is based upon the decisions of the U.S. Supreme Court and the Federal courts. Every item in here has been gone over and I can't say that I agree with their decision, but this is what their...in fact, I would think those of you who have voted against our pro-life bills in the past might even be more inclined to support this bill because it definitely follows the court...the court's wishes and in most cases would be in line with...with your thinking. So, I will just ask you to vote for and support Senator Lemke on this...on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further...further discussion? Senator...Senator Marovitz is the last speaker.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, this is really deja vu. I...we...we...we go through this exercise over and over again, and every time many of us stand up here and say, well, here we go through another unconstitutional exercise at eleven o'clock when there's a lot of important bills that have to be called before the twelve o'clock deadline, another unconstitutional exercise and that's what this is. The sponsor of this motion talked about silly little definitions. Silly little definitions like fetus and unborn child. I don't really...I don't call those silly little definitions, and when...I guess if you don't like a judge, the best way to describe him is to call him a liberal, if you don't like his decisions. The fact is, he's interpreting the law and I think the courts have continually upheld those interpretations. I think there's a lot more important legislation to the...to the

religious community that we're going to vote on tonight than this bill, and if you can't vote No, I would suggest you vote Present and make your religious vote the busing vote.

PRESIDING OFFICER: (SENATOR DEMUOZIO)

Senator Lemke may close.

SENATOR LEMKE:

Well, it's nice to hear my colleagues speak like they do about money. I know for myself, my grandson was born almost less than two pound and out of my personal pocket it has cost me a considerable amount of money, which is probably over a hundred thousand dollars, to help him out. Okay? If the State only paid two hundred thousand out of the millions we spend to save one life, that's enough. But I think I look in here as to evaluation, bringing up topics that aren't even included in the bill, and I look at a...what I consider probably a man that typifies what I believe in and that's Teddy Roosevelt, and he made a statement, and I want you to listen to this, "It is not the critic who counts, it's not the one who points out how the strong man stumbled or how the doer of deeds might have done them better. The credit belongs to the man who is actually in the arena, whose face is marred with sweat and dust and blood and who strides valiantly, who errors and comes short and short again, who knows the greatest enthusiasm, the greatest devotions and spends himself in a worthy cause. Who, if he...if he wins, he knows triumph of high achievement, and who, if he fails, at least...fails while daring greatly, so that his place shall never be with those cold and timid souls who know nothing of victory or defeat." And we have been challenged now by the court system that the only way we can save lives in the State of Illinois and in this country is through their system, and we have to go to court because every time we come up with definitions, the lower court changes them and we have to go through the process, and I will assure you, Senator Maragos, Senator Geo-

Karis and Senator Fawell, I've been up to the Supreme Court, and every case I have been up to on this topic has been held constitutional; and I will assure you we'll be up again and that these cases will be...will be sustained as constitutional, and they will be sustained, Senator Fawell and Senator Geo-Karis, by the Supreme Court Justices that your President is going to appoint, President Reagan, they will be affirmed because he believes in the topic. He believes in that topic and it will be affirmed because the courts are changing, and I will tell you this, that we are right and when we have gone over and over this case, and when...even the Governor, when he challenged it on constitutionality, does not give us a report back on what provision is constitutional or unconstitutional and gives us citations, like I have done on every bill I have passed, we have read into the record citations, and we have not...and he is a lawyer, the Governor, and he knows that you must...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator, could you bring your remarks to a close.

SENATOR LEMKE:

...respond to citations with another citation. I can only say this, if the weight is whether you believe in spending money to save lives or you're just going to forget about it and do nothing, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, the question is, shall House Bill 1399 pass, the veto of the...of the Governor to the contrary notwithstanding. 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? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 12, 6 voting Present. House Bill 1399 having received the required three-fifths vote is declared passed, the veto of

the Governor to the contrary notwithstanding. Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Request a verification.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz has requested a verification of the...of the affirmative vote? The Secretary will read the affirmative vote. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

On clearing that board, you know, Billy is working at a real disadvantage if you've cleared that board. He should be given a copy of that roll call to work from if you've already cleared the board. It should not have been cleared.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats...Senator Keats, in the ten years I...I have been here that is...that has not been the case, and if the Secretary will proceed with the affirmative roll call.

SECRETARY:

The following voted in the affirmative: Becker, Bloom, Coffey, D'Arco, Darrow, Davidson, Degnan, Demuzio, Donahue, Egan, Etheredge, Friedland, Grothberg, Hall, Hudson, Jeremiah Joyce, Jerome Joyce, Kelly, Kustra, Lechowicz, Lemke, Luft, Maitland, Nedza, Philip, Bigney, Rupp, Sangmeister, Savickas, Schaffer, Schuneman, Sommer, Vadalabene, Watson, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

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

SENATOR MAROVITZ:

Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Coffey on the Floor? Senator Coffey on the Floor? Senator Coffey is on the Floor.

SENATOR MAROVITZ:

Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge on the Floor? Senator Etheredge on the Floor? Senator Etheredge is on the Floor.

SENATOR MAROVITZ:

Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson on the Floor? Senator Watson is in the phone booth.

SENATOR MAROVITZ:

Is there anybody else back there that we can pull out? We might as well get them all out here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz, do you question the presence of any other member?

SENATOR MAROVITZ:

Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall on the Floor? He's on the Republican side. He's on the Floor.

SENATOR MAROVITZ:

I give up. I give up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, on the verified roll call, on that question, there are 37 Ayes, 12 Nays and 6 Present. Senate Bill...or House Bill 1399 having received the required three-fifths vote is declared, passed the veto of the Governor to the contrary notwithstanding. Senator Vadalabene moves to...having voted on the prevailing side to reconsider. Senator Lenke moves to Table. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion is Tabled.

PRESIDENT:

All right, if I can have the attention of the members, we are attempting to process the paper as rapidly as possible.

SB 1629
e.e.R #2

Supplemental Calendar No. 5 has now been distributed. No. 6 will follow, I hope, very shortly. If any member has a bill on Supplemental 5 he wishes to handle and the reports have been distributed so the members have a look...Senator Vadalabene.

SENATOR VADALABENE:

Yes, on House Bill...or Senate Bill 1629, the dogs are out...

PRESIDENT:

All right.

SENATOR VADALABENE:

...and I would appreciate a favorable vote.

PRESIDENT:

On the Order of Conference Committee Reports Supplemental No. 5 is Senate Bill 1629. Mr. Secretary.

SECRETARY:

This is a...Senate Bill 1629, the second Conference...second Conference Committee report relative to House Amendment No. 5.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, one more time, the dogs are out, and I would appreciate a favorable vote.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee report on Senate Bill 1629. 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, there are 54 Ayes, 2 Nays, none voting Present. Senate does adopt the Conference Committee report on Senate Bill 1629 and the bill having received the required constitutional majority is declared passed. Senator Hall. Okay. All right, on Supplemental

AB 1743
C.C.R.

Calendar No. 5, Conference Committee report on Senate Bill 1743, Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1743 which is...this report has the House receding and increase the District Office lines for all GA members from seventeen thousand to twenty-seven thousand. By receding this amendment, the allowance will be twenty-seven thousand for House members and thirty-seven thousand for Senate members. Which this report has the House receding...the report remain...7-1 for the food. The report sets the mileage rates beginning 1-9-85 the same as those for Federal employees. The language of the report refers to the Federal law which governs and establishes the regulations set by the general service. The 20.5 cents rate is what GA members will be paid. This rate could be increased or decreased. The per diem rate will go into effect on 1-9-85. It is to be set at the rate equal to the amount per day permitted to be deducted for such expenses under the internal service. Presently, that rate is sixty-five dollars a day. The present per diem rate for...of course, you all know, is thirty-six dollars for the day. Now, there's an addition in here and I will defer to Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. The Compensation Review Board bill is in this...is in this Conference Committee report with two changes. One, it changed the terms of the office of...of the members of the commission to track better as to their staggered terms. The bill previously was for three year...three-year terms, now it will be for four-year terms. The...the reporting date which we had previously required a ninety-day reporting date from the effective date of the

HB 2576
C.C. R.#1

bill, in reviewing that item, we've determined that...requiring a public hearing and without certainty as to the date that the bill would be signed into law that we may be restricting our...opportunity to act upon the recommendations so that the ninety-day requirement has been out, and both the reporting date and our action must be taken during this term of the Legislature which ends on January 9th, 1985. I would urge concurrence...adoption of this Conference Committee report.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on Senate Bill 1743. 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 34 Ayes, 20 Nays, 2 voting Present. The Senate does adopt the Conference Committee report on Senate Bill 1743 and the bill having received the required constitutional majority is declared passed. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

...on the prevailing side.

PRESIDENT:

Senator Chew, having voted on the prevailing side, moves to reconsider the vote. Senator Hall moves to Table that vote. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion to Table prevails. Senator Lenke, you have a bill on the top of page...or on Supplemental 5. Senator Darrow. Okay. Senator Lenke, on Supplemental No. 5 you have House Bill 2576. On the order...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Lenke is recognized on Supplemental No. 5, House Bill 2576. Senator Lenke.

SENATOR LEMKE:

What this bill does is add languages that the...Al Lappa of the Illinois Police Training Board would like, and this was originally a bill concerning county correction officers and they had added probationary county correctional officers meaning recruit county correction officer...permanent county correction officers, county correction officer definitions of these particular individuals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion?

SENATOR LEMKE:

I think it's a good...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

It helps the Police Training Board and I think it's a good amendment and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Weaver.

SENATOR WEAVER:

I don't doubt what he says being true, but have...do we have any distribution made to the Conference Committee reports?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

It must have been distributed, 'cause I...I just found this on my desk and I didn't get a copy originally, but I'm sure it's been distributed 'cause everybody here has one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall the Senate adopt the first Conference Committee report on House Bill 2576. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?

HB 2953
e.c.r.#1

Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 2576 and the bill having received the required constitutional majority is declared passed. Supplemental Calendar No. 5 is House Bill 2953. Senator Darrow.

SENATOR DARBOW:

Thank you, Mr. President. On House Bill...2953, the House of Representatives incorporated a...a piece of legislation that passed out of their Chamber earlier which gives local municipalities all the available remedies that the State now has in collection of taxes and violations of licenses and things of that nature. Also, we have incorporated in this Conference Committee report legislation of Senator Schaffer's with regard to annexation where we extended the period of time from ten years to twenty years. Be glad to answer any questions. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Darrow has moved the adoption of the first Conference Committee report. Is there discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I believe this matter has been discussed and brought before the Senate about two weeks ago, and if I understand the first portion of the Conference Committee report, it says that the corporate authorities of any municipality may authorize in the collection of a municipal taxes, license fees and user charges any and all provisions and remedies and other procedures set forth in Article XI of...of the Illinois Income Tax Act. This is a long way from the provisions that the municipalities have presently on the property tax owners

in your respective municipalities, and I don't know for what reason at this time, especially at this late...as part of the General Assembly, we would extend these super ordinary powers to any municipality without a corporate hearing or without a hearing in this General Assembly. You know, there's one thing as far as fairness, and fairness is a committee process and a legislative process. When you come through and you see an amendment come on a bill or in turn a...same amendment that was defeated come through a Conference Committee, something smells. This is one of those smelly provisions and I recommend a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Gec-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand on page 2 you say the corporate authorities of any municipality may authorize in the collection of municipal taxes, license fees, use charges any and all provisions set forth in Article XI of the Illinois Income Tax Act. Will you tell us what you mean by that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Well, without having the Statute in front of me, I merely summarize, they can place a lien, I believe, on your home, but they already...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It's not on...would you repeat? I couldn't hear you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Well, I don't have the Statute in front of me that sets forth Article XI, but it's my understanding that this pertains to such things as liens and garnishments and a whole series of procedures that now are available to the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I don't have the Statute in front of me either, but are you saying then...what my question is, do you...under this section, do you understand that the corporate authorities have a right to levy additional taxes without any referendum?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

No, absolutely not. This has nothing whatsoever to do with levying taxes with referendums or without. This merely pertains to the method used in collection of taxes, license fees and user charges. If you don't pay your taxes, the municipality may then, if they so desire, use the same methods of collection that the State does. It's only a method of collecting delinquent taxes, license fees and user charges.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Egan.

END OF REEL

CONTINUED ON JULY 1, 1984