

83RD GENERAL ASSEMBLY

REGULAR SESSION

June 21, 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 morning by the Reverend John Spring, Church of the Little Flower, Springfield, Illinois. Father.

REVEREND JOHN SPRING:

(Prayer given by Reverend Spring)

PRESIDENT:

(Machine cutoff)...the Journal. Senator Johns.

SENATOR JOHNS:

Mr. President, I move that reading and approval of the Journals of Wednesday, June the 13th; Thursday, June the 14th; Monday, June the 18th; Tuesday, June the 19th; Wednesday, June the 20th, 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:

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

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

Senate Bill 450 with...together with House Amendment No. 1.

I have a like Message on the following Senate bills:

Senate Bill 1801 with House Amendment No. 1.

Senate Bill 1881 with House Amendments 1 and 3.

Senate Bill 1941 with House Amendment 1.

Senate Bill 1957 with House Amendments 1, 2 and 3.

PRESIDENT:

Senator Smith, for what purpose do you arise?

SENATOR SMITH:

...yes, Mr. President, I would like to stand on a point of...personal privilege, please.

PRESIDENT:

State your point.

SENATOR SMITH:

On last evening, Senator Laura Donahue and myself, we were privilege to be guests in Jacksonville at the Murray College where we addressed the girls state. And this morning we are privileged to have them in our audience and I would certainly like for us to appreciate them by giving them a nice applause. These are the young girls for the whole week at Murray College, Illinois State.

PRESIDENT:

Will our guests please rise and be recognized. Welcome.

SENATOR SMITH:

I might add, sir, that they represent villages, towns and cities all across our State, and so some of the Senators might inquire about these wonderful girls.

PRESIDENT:

One is prettier than the other. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

On the point of personal privilege, Mr. President.

PRESIDENT:

State...state your point.

SENATOR SMITH:

I'd just like to say that we have another group of the girls from the girls state. They're...this week at Murray College in Jacksonville and they've come down to look in the Senate today. Many of them are from your downstate counties and they are happy to be here with us today. Let's give them a hand.

PRESIDENT:

HB 598
2nd Reading

Will our guests please rise and be recognized. Welcome to Springfield.

SENATOR KEATS:

The hour of ten o'clock having come and gone, if the Senate leadership would come to work we would appreciate it. Thank you.

PRESIDENT:

Alright. We will begin on the Order of House Bills 3rd Reading on page 3. I would just like to alert the members, Senators Newhouse, Bruce, Buzbee and Darrow will be the first...on the Order of House Bills 3rd Reading is House Bill 598. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 598.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. This is a commission bill, and I know of no objection to it. We put on an amendment that equalized the percentages to be paid under the aid plan. We want to get the bill out and get it into committee so that we can get it settled, and I...would move its adoption...I would ask for a favorable roll call. If there are any questions, I'd be delighted to answer them.

PRESIDENT:

Any questions? Is there any discussion? Senator Keats.

SENATOR KEATS:

Just a quick question of the sponsor. Will he yield, please?

PRESIDENT:

Sponsor indicates he'll yield, Senator Keats.

SENATOR KEATS:

Does this hit a portion of the code that would allow in Conference Committee a public aid increase to be put on this bill as just sort of a little surprise present on the way home?

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Why not, Senator? I don't think so.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall House Bill 598 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 44 Ayes, 3 Nays, 1 voting Present. House Bill 598 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading, the bottom of page 3, is House Bill 877. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 877.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Eruce.

SENATOR ERUCE:

Thank you, Mr. President and members of the Senate. House Bill 877 as amended now does two separate things. One is that in each year there is an annual report to the Governor prepared by the State Board of Education and that is...comes in before January the 14th each year and we are...also receive a copy of that, and in that report there are certain things, the transportation number of...people in special ed schools, charitable institutions and...and other things; and it was thought in this time of a changing economy and the

fact that the State of Illinois must in fact train students in their appropriate technologies that we would also ask for the...they already give us the number of teachers, both men and women, that they also give us the assignments that they have, the number of students in those assignments and the amount of time devoted to those particular assignments so that we have some better idea of exactly what is being taught in the schools. Yesterday, we added an amendment which dealt with residency requirements of noncertified school employees which puts them in the same category as the present law on certified personnel. It does not affect...the city schools. I'd appreciate a favorable vote.

PRESIDENT:

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for one question?

PRESIDENT:

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, is your bill still referring to the study of the hazards of asbestos materials?

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

We...we took that out. As you recall, Senator Berman...we dealt a fairly comprehensive bill out of here and...and he and I agreed that that was probably well handled, as did the House sponsor, and this particular reporting thing for jobs in the State of Illinois was important.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall House Bill 877 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

HB 1190
3rd reading

voted who wish? Take the record. On that question, there are 46 Ayes, 5 Nays, none voting Present. House Bill 877 having received the required constitutional majority is declared passed. Top of page 4, Senator Euzbee on...1186. On the Order of House Bills 3rd Reading is House Bill 1186. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1186.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. This amends the School Code by increasing the maximum rates at which school districts with a population of less than five hundred thousand, which maintain grades one through twelve, in other words, unit districts, may levy real property taxes, so that such rates are twice the maximum tax rates authorized for elementary or high school districts. I will be glad to try to answer any questions, would just ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 1186 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 27 Ayes, 21 Nays, 2 voting Present. House Bill 1186...Senator Euzbee. The gentleman asks leave to have further consideration of House Bill 1186 postponed. Leave is granted. 1190, Senator Euzbee. On the Order of House Bills 3rd Reading is House Bill 1190. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1190.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. This corrects inadvertent omissions and clarifies provisions regarding Public Act 83-686, which was Senate Bill 513. That was a revision of procedures governing school district reorganization. This, as I said, corrects omissions and clarifies provisions of that law; It provides that any petition for dissolution of a school district must provide that all of the territory of the district to be dissolved, will be annexed to another school district subject to referendum. I would also point out that this bill does not apply to Chicago, and I would ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1190 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 51...52 Ayes, no Nays, none voting Present. House Bill 1190 having received the required constitutional majority is declared passed. Senator Bruce on 1348. On the Order of House Bills 3rd Reading is House Bill 1348. Hold. 1427, Senator Darrow. On the Order of House Bills 3rd Reading is House Bill 1427. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1427.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

HB 1448
3rd Reading

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. House Bill 1427 began as legislation which...would allow property records...cards to be maintained on electronic data processing equipment. We took this bill and we amended it to clean up some language in legislation we passed last year. That legislation allowed counties to...with ten percent unemployment or more to establish the pattern of four payments of real estate taxes; unfortunately, all the dates for delinquent payment of taxes were not corrected with the original legislation. Furthermore, an amendment was added on behalf of the Illinois Association of Park Districts which clarifies language that when the park district leases a golf course or leases a concession stand that, too, is tax exempt. So, we have a series of three different subjects here, three different other pieces of legislation. I would ask for a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 1427 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 53 Ayes, 1 Nay, none voting Present. House Bill 1427 having received the required constitutional majority is declared passed. 1448, Senator Savickas. On the Order of House Bills 3rd Reading is House Bill 1448. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1448.

(Secretary read title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, members of the Senate, House Bill 1448 is a bill that would increase the salaries of state's attorneys by fifteen thousand dollars in each of the hundred and one counties outside of Cook, and in Cook it would receive seventeen thousand. I know the bill has been debated. I would appreciate a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill...I beg your pardon. Senator Rigney, your light is not on, sir. That's how...

SENATOR RIGNEY:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Rigney.

SENATOR RIGNEY:

Sheriffs' increase on this?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Senator Buzbee put that amendment on yesterday.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Okay. Can you give some idea of what we're doing in terms of sheriffs' salaries in those downstate counties and so forth?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I do not have that amendment in my folder, but Senator Buzbee is here and I'm sure he can explain it.

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

Yes. The sheriffs' salaries are going to be at two-thirds of whatever the state's attorney's salary is in that particular county...in each particular county. Let me...let me just get...

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

...it...it is a flat schedule, but it amounts to two-thirds of what the state's attorney's salary is. I haven't done the arithmetic on each one of them but at least that's what I'm told. Let me just give you what...what the sheriffs' salaries will be. In counties of less than ten thousand population, the salary would be twenty-seven thousand a year. In population of ten to twenty thousand in a county, the salary would be thirty-one thousand a year. In population of twenty to thirty thousand, the salary would be thirty-four thousand a year. In...counties of thirty to sixty thousand, it would be thirty-seven thousand a year. Sixty to one hundred thousand, it would be forty thousand a year, and counties of one hundred thousand to one million, it would be forty-three thousand a year.

PRESIDENT:

Further discussion? Senator Ruff.

SENATOR RUFF:

Thank you, Mr. President. I could give a few figures, I have checked the population figures for the five counties in my district. In the Macon County, there's going to be an increase, and I'm talking about the minimums. The minimum compensation, actually, it's...for Macon County, the man is above the minimum and he's still going to get an increase of about seventeen thousand dollars; net pay, that's going to be the increase...his increase in Macon County is going to be twenty-six thousand five hundred dollars; Moultrie

County...population of fourteen thousand five hundred and forty-six, the increase is going to be sixteen thousand five hundred; Shelby County, twenty-three thousand nine hundred, nineteen thousand increase; Cumberland County, just a little over ten thousand to seventeen thousand five hundred; Christian County, with a thirty-six thousand population is a twenty-two thousand dollar increase. I really don't believe that Senator Buzbee is serious in making this proposal.

PRESIDENT:

Further discussion? Senator Rigney, I'm sorry, I didn't mean to cut you off...I...I'm not sure the light is working properly. Senator Rigney.

SENATOR RIGNEY:

I guess maybe the only thing I wanted to point out is that, for instance, in counties of thirty to sixty thousand, that's a somewhat typical downstate county of...with one fairly large county seat town in it, the present minimum is fifteen thousand dollars, it will go to the thirty-seven. Those sixty to a hundred thousand, the current minimum is fifteen thousand, that will go to forty. I suggest that that's a rather substantial increase, particularly since I understand, and you can correct me if I'm wrong on this, but I think we've taken out again the State mandate's part of this thing. We are saying to those counties that they're going to pay this, but after we get done laying this mandate on you, we're not going to do anything to help you. So, I think this...the...the increases we're talking about here are very, very substantial, particular in the area of these county sheriffs, where the counties have to pay it all.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Senator Buzbee.

SENATOR EUZEEE:

Yes, well, as far as the sheriffs' salaries are concerned, Senator Ruff, I am absolutely, one hundred percent,

extremely serious about this. You're right. It has increased the minimum salaries. That was the intention of it. It's my opinion that the sheriffs of....that...that...are on call twenty-four hours a day, seven days a week, and a lot of them work hours almost like that sometimes, they are professional police officers, the ones that I know are, and they have been badly underpaid. This would bring the salary in line with...comparable with what a police chief in a city of the size that they're...they would be serving is probably making. They are, in fact, the chief administrative law officer of a county, plus the chief law enforcement officer and their duties are comparable to...to that of...of chiefs of police. And I think their salaries ought to be comparable to that of a chief of police. That's why I've proposed this. The Sheriffs' Association, obviously, asked me to handle this. I said I would be glad to, because I thought that they deserved the pay raise and so I would ask for a favorable roll call; and of course, the state's attorneys, I happen to think that that's probably a good idea also, what Senator Savickas is proposing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. WCIA-TV has requested permission to videotape today's Senate proceedings. Is leave granted? Leave is granted. Further discussion? Senator Coffey.

SENATOR COFFEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Coffey.

SENATOR COFFEY:

I...I believe I understood this correctly but just to make sure, the Mandate's Act right now will not apply to this legislation that's before us?

PRESIDING OFFICER: (SENATOR DEMUZIO)

I assume, Senator Coffey, you're directing your question

to Senator Savickas?

SENATOR COFFEY:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Senator Savickas.

SENATOR SAVICKAS:

Senator Coffey, in the last paragraph of the bill on page 8, Section 8.7, there's a disclaimer in there, "Notwithstanding the provisions of Section 6 and 8 of this Act no reimbursement by the State shall be required for the implementation of any mandate created by this amendatory Act of 1984."

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Coffey.

SENATOR COFFEY:

Thank you very much for clarifying that for me. I would just like to speak on this bill, because I think it's...I think it is important that...that we discuss this just a little bit. And we, in the Legislature, as we've talked before, a few months ago put through the Mandate's Act because the counties at least which I represent are saying to me that, you know, we're elected to do a job in...in the counties that they are representing; and yet, we, in the Legislature, mandate from time to time the kind of cost that they incur in that area. And here we are...you know, after passing a Mandate's Act saying we're going to protect you people, here we are bypassing the Mandate's Act and saying that we're going to put additional cost on those county boards that have been elected to do the same type of job that we're doing here and we don't like when the feds tell us what to do, but we're about to tell the county boards, whether you've got the money or not, you're going to have to give these increases to these public officials. Now we...in my district, we've got...in my opinion, some of the finest

sheriff...people serving and...state's attorneys serving in county government. And I have no...I have no...desire to try to keep them from getting pay raises. I have supported pay raises before, and I'm for that. I have no problem lifting the top of the lid if we need to...and let the county board make the decision. But how can we, in this Body, give those increases and cost us...cause those problems...every county board that's in my district in the five counties are having financial problems. They don't know where to come up with the money, and we haven't given them any...they've asked for an opportunity to be able to...to get some back-door referendums so they can have more money, but yet, we won't give them that but yet we're going to mandate what they're going to pay to raise those bottoms up or those...to...so they have to pay more money. And as...Senator Rupp has pointed out, it's going to cost each one of the counties that I've talked to that I...the county boards, it's going to cost thousands of dollars that they don't have now and they're getting discouraged. They're getting discouraged at what we do in this Body to force them to spend money that they don't have. And I think we ought to somewhere along the line, sit down and talk to these county boards, raise the tops, let them to go to their county board and convince them that they're deserving of more money. Like I say, I know they're underpaid in many cases, and I know some of ours are underpaid, but it's not our responsibility to say what their...salary they're to receive and that's just about what we're going to do. If you people haven't talked to your county board members, you're probably going to hear about this when they're trying to come with the money to pay these salaries. I'd ask for a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Thank you, Mr. President. I think if you would refer to the State Mandate's Act, you would find out that you cannot exclude by reference, and if you'll check the reimbursement procedure, it will show you that you cannot by simply stating that it exempt from the State Mandate's Act, that it is in fact exempt. So, whatever disclaimer you want to put on there isn't really worth the paper it's written on if those counties wish to contest it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, obviously, the amendment is the controversial part of the bill. But the bill itself that provides for an increase for the state's attorneys is a...a proposal that the members here saw fit to pass both in the House and the consensus here in the Senate was that they were deserving of it. I would ask your favorable support in the passage of this bill, because even with the amendment, it does have to go back to the House for concurrence and I'm sure if there is any major problem with that, that it will be resolved. So, at this time, I would ask that you pass it out of the Senate, let it go over to the House where it can be further addressed and resolve this problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1448 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 19, none voting Present. House Bill 1448 having received the required constitutional majority is declared passed. 1474, Senator Sangmeister. 1522, Senator Bruce. Bottom of page 4, on the Order of 3rd Reading is House Bill 1522. Mr. Secretary, read

HB 1522
3rd Reading

the bill.

SECRETARY:

House Bill 1522.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. 1522, House Bill, deals with the medical assistance no cash grant medical program operated by the State of Illinois. In that particular program, individuals who are eligible have to spend down their income to a certain level before they can in fact participate and receive medical assistance. This bill raises that spend-down level. Each month you have so many dollars that you have available to you to spend, and what the net effect of this bill is is not to increase the State grant at all. The effect is to raise the amount of money that you can keep in your income and raise that level by nineteen dollars before you can still get medical assistance no cash grant. It's...it's a complicated idea, but if you think about it, it's very simple. There's...there is a ceiling, you have to spend down to that; we are raising the ceiling twenty-nine dollars so that mainly the elderly people and the disabled in the State of Illinois can keep nineteen more dollars in their household income and still be eligible for medical...medical assistance no cash grant. I'd appreciate your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If...Senator...Senator Fawell.

SENATOR FAWELL:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Yeah. In...according to our analysis, this is supposed to cost between 1.3 and 6.3 million dollars. I like the concept of the bill, but can you explain to me why in the world it would cost the State that much more if we do this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Well, as I mentioned there...there is no State of Illinois grant that follows this bill, and that's why the figures you get...from 1.3 to 6.3 million, that is a figure that I only heard this morning after we had requested the department for these figures. Our staff analysis indicates it will cost approximately one to two million dollars. The problem is, Senator Fawell, we don't know because it...the...the cash grant does not follow the recipient. It deals with raising the level of money that a person can keep in their household and still be eligible for the MANCG program. So the department's feeling is that as we increase the amount of money you can keep by twenty-nine dollars, that will make more people eligible. Our staff does not believe that very many more people are going to be eligible on the program by raising that ceiling twenty-nine dollars. It's less than a ten percent increase and this has not been increased for a substantial number of years. Senior citizens in particular with heating bills, we're trying to reach them with the twenty-nine dollars and it allows them to not spend money they need in their household before they're eligible. And...and that figure is debatable. We're going to have to take a look at it a year from now, but I think it's...it's a humane idea to raise that floor twenty-nine dollars. That does not increase their grant by twenty-nine dollars, that's the problem. We know how many people are on medical assis-

tance no cash grant, if we could just multiply that times twenty-nine dollars but that's not what we do. It's twenty-nine dollars of their own income that they can keep before they're eligible. So it's a debatable point.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

This particular bill is kind of a tough one. Our staff analysis indicates a...a fiscal impact of 1.3 to 6.3, and yet, I think there...there is in fact a real problem. The spend-down requirements of...have just been brutal to some of our senior citizens and...and some other people on very limited incomes. I think most of us have probably had people in our district offices or have talked to us about how this has impacted on their families. Complicating the situation somewhat further is an ongoing discussion with the administration and various interest groups on cost of living for public aid versus equalization of payment tables. Frankly, I think the administration is going to, at some point, come to the conclusion that there is x number of dollars available for public aid for, if you will, improving, enhancing, equalizing the programs of the State's Department of Public Aid. I think I am inclined to go along with this bill to get it to the Governor's Desk, to give them another option that they perhaps would not have without this vehicle. In doing so, I freely admit that I suspect that the final decision may include a different approach and a veto of this bill; but at this point, I think I would recommend passing the bill, giving the Governor this option in the ongoing negotiations with the public aid groups and the senior citizens' groups so that we can arrive at the best and fairest possible conclusion of what to do with whatever small number of new dollars are available.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Further discussion? The question is, shall House Bill 1522 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 2, none voting Present. House Bill 1522 having received the required constitutional majority is declared passed. 1563, Senator Degnan. Senator Degnan on the Floor? Senator...Senator Degnan, do you...do you want 1563 called? Alright. Bottom of page 4, House Bill 1563. Mr. Secretary, read the bill.

SECRETARY:

House Bill 1563.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate...House Bill 1563 is the...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotberg...just...pardon me, Senator Degnan. For what purpose do you arise?

SENATOR GROTEBERG:

Point of inquire from the Chair and from the sponsor. Senator, is this the one with the lottery surcharge on it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your inquiry.

SENATOR GROTEBERG:

And we had commitment yesterday to massage it a little, and I have something here I don't have quite all the answers on yet, Senator Degnan. If we could take it out of the record, I'd like to share it with you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

HB 1587
3rd Reading

Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

To clarify this question. Yes, we did make a commitment to put a repealer on it. The amendment is drawn. It's up in the staff's office. If we can take this out of the record at this point and come back to it as soon as we get the amendment down here and get the bill going. Well, Senator, we have one to. It's a little different version than yours. It's not...it's not as automatic as your repealer.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright. Senator Degnan, for what...what is your pleasure?

SENATOR DEGNAN:

Can we have leave to get back to it?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Degnan has requested leave to return to House Bill 1563 later this morning or later today. Is leave granted? Leave is granted. Page 5, House Bill...take it out of the record...House Bill 1587, Senator Bruce. Top of page 5, the Order of House Bills 3rd Reading is House Bill 1587. Mr. Secretary, read the bill.

SECRETARY:

House Bill 1587.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This is a bill which deals with community colleges throughout the State of Illinois and the possibility of allowing them to levy an additional five cents for health and life safety as we do with the school districts throughout the State of Illinois. As amended, we have put in a good deal of protections

which are in fact not found in the Illinois School Code for K through twelve, but this...each project that would be performed by any community college in the State of Illinois under this authorization would have to go through the Illinois Community College Board and meet their criteria for emergency projects. No bonds would be issued or a tax levy until the local board approved it. There's been an open meeting discussing the merits with the public and the approval has been received by the community college board after that open meeting. Any money raised must be spent on the approved project. It cannot be transferred as it can under other Acts to other known as worthy endeavors. There must be an architectural certificate of cost estimate, and if there's a bonding done by the local community college district, there is a cap of...1.5 million on the amount which can be raised, and a minimum bond levy of twenty-five thousand dollars. And if you use the tax method, the money can only be raised by one approved project which has already has a certified cost estimate and the community college board has committed to...to all of us that they are going to monitor this program very closely. I'd ask for your favorable vote. It is something we've had to work on with various community colleges around the State of Illinois that began construction in the mid '60's. They are in need of repair. There are life safety provisions that need to be handled. They cannot be done under building and maintenance, this five cent levy; it's just exactly what is done with the local school districts...the sum of eleven hundred of them around the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIG)

Alright. Any discussion? Senator Johns.

SENATOR JOHNS:

Yeah, Mr. President, thank you. I've been against this all along because it's not a front-door referendum. It's a

back-door referendum. But in talking to the college authorities...Senator Bruce, I might direct this to you, you kind of help me out here. There are some restrictions placed on this that are keeping them...the taxing money obligated to a certain degree to special projects. Am I right?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Bruce.

SENATOR BRUCE:

That is correct, Senator Johns. This is limited to one project, architectural certified, approved by the Illinois Community College Board.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Johns.

SENATOR JOHNS:

Then this is not really comparable to the taxing authority of the local school districts. It's a little different, isn't it?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Bruce.

SENATOR BRUCE:

Senator Johns, you are absolutely correct. It...it is a good deal different in that we have all these restrictions that the local school board does not have. They can in fact use this for other "worthy endeavors;" we've stricken that out, make this very tight. They don't have to get the approval of the State Board of Education; this bill requires...the approval of the Illinois Community College Board.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Johns.

SENATOR JOHNS:

However, just want to point out the tax authority contained in this bill, 'cause also be levied to finance...energy conservation projects for college facili-

ties. I should be for that to even...I just wanted to point out it's in here, because as I talked with Senator Netsch yesterday and added my name to an amendment, amending the Illinois Housing Development Authority is not putting energy conservation effort into buildings. So, I'm going to go along with the bill, because I think the restrictions within it are laudable and I want to support the bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Gec-Karis.

SENATOR GEC-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Gec-Karis.

SENATOR GEC-KARIS:

Do I understand correctly, is there a back-door referendum?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Eruce.

SENATOR ERUCE:

Let...let me explain clearly. There is not a back-door referendum. There is not a front-door referendum. No referendum is contained within this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Eruce may close.

SENATOR ERUCE:

Let...let me explain why I am doing what I am doing. I have been down here for fourteen years and I am about to cast, I believe, my first vote in favor of a nonreferendum tax increase for downstate areas. And why would you do that?

I wondered about it and I reviewed the history of what happened when we started allowing school districts to levy life safety bonds without referendum, and a school in the City of Chicago called Our Lady of Angels burned, and this General Assembly back in the mid '60's had not provided, had not provided for school districts to levy to make their buildings safe. And children died in the City of Chicago because of that, and shortly thereafter, this General Assembly enacted legislation which allowed school districts to levy for life safety to ensure that every school building in the State of Illinois was safe and they did that without a referendum. We now face the same problem, but I hope that we have learned by example. I don't want to come back, if this bill is defeated, a year from now or someone else a year or two from now and saying, a building collapsed in my district and two students were killed. That doesn't seem to make good sense. No school district, no community college district in the State of Illinois is going to levy this without some good reason. And the reason, they have to certify by an architect licensed by the State of Illinois that the life and safety of their students are involved, and they have to convince the Illinois Community College Board that, in fact, that architect has looked at the building and made that certification and his license is stamped right on that particular architectural drawing. I don't like to vote for nonreferendum tax increases and, as I say, I believe this is my first, but I believe it's justified in this instance and I would hope that you would join me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...Senator Johns, he...he was closing. Senator Johns.

SENATOR JOHNS:

Was he closing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

*HB 2040
3rd Reading*

Yes, sir. Senator Johns.

SENATOR JOHNS:

I'm sorry, I...I didn't realize that. I thought he was answering Geo-Karis...Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Johns.

SENATOR JOHNS:

If I might add, I think what happened here in the '60's is that CDB did not follow up on a lot of the construction designs and so forth in these colleges that we appropriated money for, and I just...I will now close in saying that I, like Senator Bruce, this is my first time that I have ever voted for a legislation of this kind without referendum. Thank you, Mr. President. I'm sorry that I didn't understand he was closing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall House Bill 1587 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Senator Johns. Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 16, 2 voting Present. House Bill 1587 having received the required constitutional majority is declared passed. House Bill 1589, Senator...I'm sorry. House Bill 1859, Senator D'Arco. House Bill 2040, Senator Hall. Top of page 5, the Order of 3rd Reading, House Bills 2040. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2040.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill when it was originally introduced it was to prohibit developments of new regional pollution control facilities in certain areas without proof that the proposed facility would not be located...in a one hundred year flood plain. Locating landfills disposal facilities in flood plains can...can pose a significant danger to the public's health, safety and welfare. It was this flood that was largely responsible for the widespread dioxin contamination that occurred in the adjoining state to us in Missouri. Now this has undergone some changes and I want to...to point to you the changes that has undergone with the amendments. According to the...the requirement is that the DOT use the best available data in determining the flood plains was requested and that's what they requested. At this time, the department does have completed maps...doesn't...does not have completed maps for the flood plain. The bill exempts counties with population of three hundred thousand or greater, and of course, that would be Cook, DuPage, Lake and Will; and also, that what happened is that was a site that East St. Louis where waste management incorporated was going to place one, but they have indicated it has no plans to continue the project. It deletes the one hundred year flood plain restriction from the bill, and a local siting approval...a local siting approval of a new regional pollution control facility shall expire at the end of two calendar years from the date granted unless the applicant applies to EPA for development permit. Also, there was another amendment put on by Senator Buzbee, and I will defer to him to explain what that amendment does.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Buzbee.

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END OF REEL

REEL #2

SENATOR EUZBEE:

Thank you, Mr. President. This amendment represents language intended to alleviate the Pollution Control Board's concerns about inadequate Department of Energy and Natural Resources research activities. You'll recall in the early days of the Thompson Administration that we created this department called...it's now called the Department of Energy and Natural Resources, that wasn't exactly what it was called at that time but it's still the same department, and we folded some other various agencies and so forth into that department, including what was known as the Institute of Environmental Quality. The Institute of Environmental Quality were the folks that were to do the research for the Pollution Control Board and the Environmental Protection Agency. In the folding of that...or that agency into the Department of Energy and Natural Resources, the language in the Statute that was used to implement that...creation of that department did not specify any further duties as far as what had been the old Institute of Environmental Quality. The Pollution Control Board is in the...business, of course, of rule making as it pertains to...pollution. They have very little, if any, research capability themselves and they need to rely on the Department of Energy and Natural Resources. We've had some controversy between the department and the...and the Pollution Control Board, and so this language would represent what the Pollution Control Board would ask the department to do, to do specific research for them on...on cases that they may have coming up in front of them. So, that's why I asked Senator Hall if I could use his bill to put this amendment on, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If not, the question is, shall House Bill 2040 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?...Senator Hall. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 2040 having received the required constitutional majority is declared passed. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR DeANGELIS:

In about ten minutes in the kitchen of the President's Office there will be ready some linguine and chicken for all members of the Body and members of our staffs or who are around, and I invite you to participate for those of you who missed last night and for...even for those who were there last night.

PRESIDING OFFICER: (SENATOR DEMUZIO)

House bills 3rd reading, page 5, House Bill 2211, Senator Degnan. House Bill 2307, Senator Carroll. All right, Senator Lechowicz has been granted leave to handle the bills previous...prior to by the...the Body, so on the Order of House Bills 3rd Reading, House Bill 2307. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2307.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

HB 2321
3rd reading

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2307 as amended amends the Illinois Human Rights Act to revise the definition of religion and provide that religion includes all aspects of observance and practice as well as belief. However, under the Employment Article, religion does not include a religious practice or observance, an employer cannot reasonably accommodate without undue hardship on the conduct of business. Basically what this does...the purpose of this legislation is to permit an employee time to observe his or her religion as long as such observance or practice does not impose a hardship on the employer's business. The bill...it came out of the Executive Committee 19 to nothing. I would bring it to the Floor...the attention and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 2307 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Vadalabene. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. House Bill 2307 having received the required constitutional majority is declared passed. House Bill 2321, Senator Schuneman. On the Order of House Bills 3rd Reading is House Bill...2321. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2321.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. This bill enacts the organ...the Experimental Organ Transplant Procedures Act and addresses the problem encountered by Illinois residents who need lifesaving organ transplants and are unable to meet the enormous financial costs involved in those operations because of lack of insurance or other financial means to pay for the operation. Essentially the bill does two things. First of all, it prohibits insurance companies from denying coverage for organ transplants on the basis of the insurance company claim that the transplant operation is experimental, unless that position is supported by a determination by the Office of Medical Research of the National Institute of Health that says that the experimental...or that the transplant procedure is experimental. In all other cases, the insurance companies will have to pay these bills under the standard policies. Secondly, the bill provides for some State funding for certain organ transplants to the extent that the cost is not covered by insurance. Applications for State funds must come directly from a teaching hospital or an affiliated medical center with an established and proven experimental organ transplant program. No individual case is eligible to receive more than two hundred thousand dollars and the program will begin operation on July 1 of 1985. So we have a one-year start up period to form the board, to draw up rules and regulations before the actual expenditure of any monies would take place. I'll be happy to respond to any questions that there...there might be. I should say that this bill is an outgrowth of a bill which was passed last year by Senator Emil Jones who is the hyphenated cosponsor of this bill, and along with Senator Jones, the Insurance Laws Study Commission, Representative Judy Topinka in the House, the Governor and the Governor's staff, Department of Insurance. So, a lot of people have worked on this bill, but we'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I think this is a bill that...that the time of it has come. I know in my area we've had three cases, very sad cases, and raising up to two hundred thousand dollars for the necessary surgery involved in cases of the this nature is very difficult. I think it's...this...this bill is very well constructed. I think it can work very well and can help a lot of good people who are in need of such help and cannot afford it, and it's time the insurance companies woke up and did the job they should do. I certainly support this bill, and I'm happy to tell you I'm a cosponsor of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President and fellow members. Only for the record, to compliment Mrs. Tupper, T-U-P-P-E-R, of St. Charles and Geneva, Illinois, who chaired the group throughout DuPage and...and Kane Counties to bring this focal problem to this organization to do something about it. She has been carrying the charge for a transplant...a little liver transplant victim in...in, I think Aurora or...no, Geneva and...and the publicity of that brought this group together and they've got a great organization; and with this particular cause, it's nice to see it come to fruition and to be able to support it, and I just wanted to compliment that group who have been working so hard and Mrs. Tupper in particular.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Senator Berman.

SENATOR BERMAN:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Ferman.

SENATOR FERMAN:

Senator Schuneman, would you just take us through for a second, where, under this bill, and how State money would be plugged in?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

The...the money...and the Governor has agreed that in the first year of operation, which would be Fiscal '86, the money would be appropriated to the Department of Public Health. There would be established an organ transplant procedures board in the State of Illinois consisting of twelve physicians, two of whom would be deans of medical schools, two of whom would be organ transplant surgeons. Any application for funds would be submitted not by the person who is to be the organ transplant candidate but rather through medical teaching hospitals. In other words, there's no direct application process from the donor...candidate himself. The...that's to accomplish the screening that's necessary to make sure that those candidates are clinically good candidates for transplant surgery, and that they are supported by other medical practitioners who believe that they are good candidates. Essentially, that's the way the program will work. The application will come through the hospital and the teaching hospital. It will be submitted to the board. The board will approve those cases and make sure that any insurance that may be involved is paid first and the limit placed upon each case is two hundred thousand dollars. So the State will not expend more than two hundred thousand dollars in anyone individual case. Does that respond to your question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Ferman.

SENATOR BEEMAN:

Yes, to...but I have one follow-up question. Do we appropriate after the fact...what role does the General Assembly play in allocating these funds? I understand the board, the money goes to the hospital...the following June, do we have the prerogative of saying, we don't want to appropriate this money?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Schuneman.

SENATOR SCHUNEMAN:

No. The procedure is that the General Assembly appropriates the money before the Act. We appropriate the money for a fiscal year and then the...it's up to the board to spend that money.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Eerman.

SENATOR BEEMAN:

How much is the...well, let's see, this is for Fiscal '86, so there's no money appropriated this year yet, but next year, we will be asked to write a check, put it in the...into this kitty and then the hospitals will decide whether any of this is going to be drawn out. Is...is that the process?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Schuneman.

SENATOR SCHUNEMAN:

...we will appropriate...if...if the General Assembly agrees next year, once the procedure is set up, we will appropriate three million dollars, which the administration has agreed to support, to the Department of Public Health. Those funds will be drawn down by the medical procedures...or the medical...the Organ Transplant Procedures Board as they approve the applicants.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Eerman.

SENATOR BERMAN:

This three million dollars is a gentleman's agreement between everybody that's worked on it, it's still up to us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Absolutely.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator, as...as I understand the legislation, in those...in those instances where existing coverage...insurance coverage paid by a...a...a third party or paid by an employer does not include this kind of operation, a transplant operation, then it would be the obligation of the...of the State to...to pick up the...the cost. Is that...is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

It is not an obligation of the State. The...this is an...obviously an experimental program. We seek to provide an...some kind of an answer for people for whom there have been no answers, but it is not an obligation of the State to pay for every organ transplant procedure in this State. The problem is...liver transplants are a good example. The first liver transplants were obviously experimental and insurance contracts generally do not pay for experimental surgery. They only...pay for accepted medical practices. So, those first liver transplants were obviously not covered by insur-

ance; but as of last March, I think it was, the Office of Medical Research of the National Institute of Health determined that liver transplants are now a medically acceptable procedure. So, insurance companies from now on probably will be paying for those...for those transplants, but there was a period of time that I choose to call the gray area when some insurance companies paid for it, some insurance companies did not, charging...or claiming that it was experimental surgery. This bill would seek to solve that problem and, secondly, if the transplant procedure was deemed to be experimental but in the eyes of the Organ Transplant Procedures Board was worth the...was worth the gamble and worth the effort and worth the expenditure, there would be some funds available to pay it, but...but we are not obligated by this bill to pay for organ transplants in Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

In those instances where employers have been paying the expense of the hospitalization major medical and where that coverage has not included this kind of operation, where the insurance company has deemed this to be an experimental procedure and it is therefore not...not been covering it, it would be necessary to raise the premiums to the employer in order to provide this additional coverage I...I...I do believe. Now, in these...this is a fringe benefit which is...normally subject to...to negotiation and in...or in many cases, it would be at any rate, it may be that in that instance, the employer would simply say, I am now paying X dollars for coverage, I'm not willing to pay more. In that event, would that not...in...in...in that event, the employer did not, in fact, provide that additional coverage, would...that not act in a way as to shift the...the responsibility from the employer to the State of Illinois? Isn't

that one possible outcome of the passage of this...legislation?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, anything is possible. I suppose that someone could develop a scenario which says that since the State of Illinois is now going to begin to pay up to three million dollars for transplant surgeries, that all the employers in Illinois are going to go out and ask their insurance companies to take organ transplant coverage out of the policies. I don't happen to think that's going to happen because just the opposite has been true over the past few years. The largest employers in the State have been trying to get better and better coverage for their employees for these terrible...catastrophic medical expenses. So, I don't think that's...that that is a likely possibility, but of course I can't stand here guarantee to you that that would not happen. I have...I know of no major Illinois employer that has registered any opposition to this bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...Senator Etheredge.

SENATOR ETHEREDGE:

Then I would want to compliment Senator Schuneman and the others who have worked on...on this piece of legislation. I think they are...they are attempting via this bill to address what is a very, very serious problem, and I'm sure that all of us know directly or indirectly of people who have...who have been confronted with this kind of a...a personal...problem and it is a very...very heavy financial burden to...to...to carry. However, I...I do have a concern with this...with this solution and...because I'm afraid it is a solution which is going to...over the long-term, over the next several years shift the burden of responsibility from

what is now the private sector to...to the public sector, and I think that in...in voting for this bill and this solution to what I admit is a very great problem, I think that we are...we are...we are moving the solution in...into the public sector and we will find ourselves...assuming this responsibility...almost exclusively over the next five to ten years.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. As a hyphenated sponsor of this legislation, I urge each and every member to give an affirmative vote to this bill. As...as Senator...Schuneman pointed out, the Governor last year vetoed the legislation that we passed and I sponsored which would have set up a two million dollar trust fund and the proceeds coming from the lottery, and the Governor did indicate in his Veto Message that he will work...he would work with us on this and try and come up with legislation to deal with this very serious problem, and I want to commend the Governor for keeping his word on this very critical issue. I think Senator Schuneman has adequately covered many of the technical aspects of the legislation, but let me say this to each and every member here. Last year after we passed that bill, I received letters from all across the State of Illinois, as did the Governor, urging him to sign that piece of legislation. There were instances wherein people wrote directly to the Comptroller's Office assuming that the funds were there, but they were not. The cost of transplants are quite high and it's a sad day in our society wherein we see a person who is in need of, let's say, a liver transplant and they have to literally beg for money to have that transplant, and while they are begging for the money, they are...constantly deteriorating. We have several across the

State and several in the Cook County area and that...especially in the City of Chicago. Just a...a couple of days...ago, Blue Cross/Blue Shield came out and they indicated that they will be providing coverages for liver transplant. This is something new, but it is a step in the right direction. So, I urge each and every one of you to do as you did before, let's give this a very, very strong affirmative vote so that those persons who need life can get it by having the necessary transplants, such as liver and other organ transplants, and this State should be the first in the nation to pass this type of legislation, and I urge an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Schuneman may close.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President and members of the Senate. I think we've had an adequate debate on this issue. I just want to tell you one very quick story about a young guy...whose name is Jerry Blanford. He's twenty-six years of age, found out this year that he needed a liver transplant. He told his insurance company what was required, and they indicated to him that...liver transplants were an experimental type surgery and therefore he would have to pay for it himself. When he contacted the hospital in Pittsburg, they told him fine, you come on, we'll...we'll take care of your liver transplant but bring two hundred thousand dollars. Jerry was dying and his friends were trying to raise the money. The situation came to the attention of some of our people in the Department of Insurance who contacted his insurance company and told them about the recent decision by the National Institute of Health which had ruled that liver transplants were now a medically acceptable procedure. Because of that, the insurance company changed their mind, agreed that they would pay for the transplant. Jerry has now

had that surgery and is recovering in Pittsburg. That sort of thing will be prevented in the future with a part of this bill. The other thing that will happen is that those people who are not so lucky but still are good candidates for organ transplants will have a place to go. As far as the concerns raised by Senator Etheredge that there may be some shifting from the private sector to the public sector, let me say this, I'll be the first to introduce some legislation to correct that situation if it begins to occur. We should not allow the insurance industry to shift the burden to the public sector. So, I think we ought to try this. I think it's well thought up...thought out. I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2321 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. House Bill 2321 having received the required constitutional majority is declared passed. House Bill 2325, Senator Davidson. 2334, Senator Savickas. 2347, Senator Bruce. 2360, Senator Kustra. House Bill 2381...oh, wait. Senator Kustra, did you wish your bill called? Okay. Bottom of page 5, House Bill 2360. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2360.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senate Bill...House Bill 2360 comes to us as the result of a

problem mainly in the greater Chicago area where municipalities about municipalities and it is sometimes difficult to determine what jurisdiction is what, and what's happened up there is that...municipal sales tax revenue has been sent to the wrong jurisdiction. This is a bill which was fashioned by the Illinois Municipal League and the Department of Revenue and the local municipalities involved. The Illinois Retail Merchants Association and the State Chamber have signed off on it, and, basically, it provides that the Department of Revenue will on an annual basis provide a list of all registered sales taxpayers to the jurisdictions, municipalities in the State of Illinois, and that list will provide the names on a...doing business as name basis and also the address of each retail outlet within each jurisdiction. It will also provide for a procedure to reallocate monies where in fact a municipality has been given the wrong sales tax dollars. I know of no opposition to the bill and I would urge your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. I just would like to add my support to the bill. I thought that I was also one of the cosponsors, and if not, I would like to be put on, but...

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, Senator...Egan has asked leave of the Body to be added as a hyphenated cosponsor. Is leave granted? Leave is granted. Further discussion? If not, the question is, shall House Bill 2360 pass. Those in favor...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 54, the Nays are none, none voting Present. House Bill

2360 having received the required constitutional majority is declared passed. Senator Bruce was off the Floor when House Bill 2347 was called. I assume he was eating his chicken. He requests leave to go back to pick up 2347. Is leave granted? Leave is granted. On page 5, on the Order of House Bills 3rd Reading, House Bill 2347. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2347.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. 2347 is one of the series of exposition halls bills. This, in fact, is not to create two new ones but to rename one that we authorized last year. It was the Mt. Vernon Exposition Authority. This creates it to the Greater Jefferson County Exposition Authority and adds an additional authority for the River Forest Center and allows it to be funded. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I have no objection to this new civic center, but procedurally, would it not be easier on the legislative process if we just submitted a list of towns in the State that don't want civic centers and then automatically give everyone else a civic center? I mean, just save us a lot of time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Question. Did you say River Forest Civic Center?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Eruce.

SENATOR ERUCE:

Yes, just as it states on the Calendar, creates the River Forest Metropolitan Exposition Auditorium and Office Building Authority.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats.

SENATOR KEATS:

Didn't the Senator who represent that...that area specifically state he doesn't want it?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Eruce.

SENATOR ERUCE:

Well, I've talked to that particular State Senator and I've persuaded him the Mt. Vernon Authority is extremely important to me. I didn't put this amendment on. We had this bill through here. We will absolutely need the requirement to change it to Jefferson County, and I think that argument is perhaps persuasive since River Forest is contained now in two particular pieces of legislation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Johns.

SENATOR JOHNS:

You know...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke...

SENATOR JOHNS:

I hope that what I'm speaking to...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

...clear the way there in front of Senator Johns. Senator Lemke.

SENATOR JOHNS:

...is relevant to what Senator Bruce is trying to do. In this particular legislation, I think it mentions Herrin as well, doesn't it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Eruce.

SENATOR JOHNS:

The Herrin Civic Center as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Eruce.

SENATOR EEUCE:

Yes, it does amend...I'm sorry, Senator Jchns, it does amend the Herrin Authority. I forgot to mention that they are also in here, already authorized, but there's a change for Herrin.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR JOHNS:

I just want to point out that I took a lot of heat because the City of Herrin thought when the original bill was passed that there was going to be a bonanza of all kinds of State money readily available for them, and they sent people out looking at all of the civic centers throughout the State and they chastised me for saying I was kind of trying to hold...hold them back. It's a very dear little city and dear to my heart, but what I...I pointed out was that...that many of these people in these cities don't realize they've got to levy a tax to support these civic centers, and many of them are already burdened with a great deal of taxation and already on the verge of...of being in the red, and also, if I'm not mistaken, every civic center in Illinois is losing money. If I'm not mistaken, the City of Rockford runs in the red of a million dollars or so a year. Does anyone know to the contrary about that? Am I right that at...at least Rockford is running a million dollars a year in the red on

the civic center? Also, I'm told that their administrator says, well, it's still a good investment because it brings a lot of people into the city. But at the expense of a million dollars a year, I wonder if we couldn't put a lot of this money to better uses, and I just don't want to be on record as being opposed to civic centers, but I think that these cities ought to be shown and pointed out that it's a very, very costly affair. You got to maintain them, you got to insure them, you got to light them, you got to equip them, you got to have personnel and you got to have people in them all the time to pay for them, and I just want to put that out throughout this State that all these people that think civic centers are the answers to their downtown problems or their cultural problems are not really on the right track yet. We've got to turn this economy around before we can afford them. That's all I want to say.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sommer.

SENATOR SOMMER:

Mr. President and members, first a comment and then a question. I happened to be chatting on the phone the other day with former Senator Walsh who lives in River Forest, and I suppose the first of two questions would be...Senator Walsh wondered where the civic center was going to be in River Forest inasmuch as that the city is filled up and there isn't any room at the present time. Where...where is it anticipated that this would be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce indicates he will yield. Senator Bruce.

SENATOR BRUCE:

Melrose Park, I'm told, is the proper answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sommer.

SENATOR SOMMER:

Well, Senator Walsh was very confused and I wanted to...to make sure he was straightened out. The...the second question of one seriousness, we're seeing all kinds of bills for all kinds of communities to...to obtain authorization to establish civic centers and we know we're going to see the bills come into finance them...via State money. How is it anticipated we're going to finance these things...and then we're going to see the third step that we're going to buy a permanent or imperpetuity maintenance cost on these big ones in the convention cities that are now losing money and probably these. So, one, how are we going to finance them on a...for construction? And, second, what kind of permanent obligation do...do the sponsors anticipate we'll inherit for upkeep?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Eruce.

SENATOR ERUCE:

Thank you, Senator. My impression is that we will not, in fact, fund all of these, and so automatically the cost is greatly reduced. We are all in what we would call a auditorium stew, and everybody wants to have a chance to be part of the...the new auditorium movement in the State of Illinois, and so unless you have a bill in to say that you're going to get some money, you don't get money, and so that...that is available. I think it's fair to say that this legislative Body is not going to approve all of these. I am told by the staff that some three hundred and eighty million dollars are presently on the House and Senate Calendars for constructions...construction of auditoriums, so I don't...I don't think that we're going to go into a state even in June of...of adding that much money to the budget; and to my knowledge, Senator, with the creation of all the halls across the State of Illinois, only one has an operating subsidy, that is McCormick Place. They get 1.7 million dollars a year as an operating subsidy, not particularly for McCormick Place

but for the...the Donnelley Hall, but it does get into one pot, so it's hard to say where it goes; but there are no operating subsidies and as far as I know, there's no legislation pending in either House to allow an operating subsidy. So, it couldn't happen between now and June 30th because there's no legislation to allow it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sommer.

SENATOR SOMMER:

Well, if these things are going to be free and they don't come out of State coffers anywhere, why are we doing this? You know as well as I do that the money to construct these things is going come out of our funds. Now where is it going to come from?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce.

SENATOR BRUCE:

It comes from where all money comes from, comes from the sale of bonds to people who are interested in these particular projects and they receive money and we pass bond and interest payments here to pay them off; and as I indicated, Senator, at the present time, the bond authorization has not been increased and so very few, if any, of these projects are going to be funded until the General Assembly decides after, I'm sure, in debate with the Governor, exactly which of these are going to be authorized for construction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sommer.

SENATOR SOMMER:

Well, I suppose this come the time to say this, and it's not aimed at the sponsor by any means, but the list of these things is getting endless. Every time somebody wants one we inherit an obligation. The...the existing centers that may have a legitimacy because they are in convention cities,

they're in here now saying that they ought to have a subsidy for the next twenty years. These things, if they're built, will be in here some years down the line saying they ought to have a subsidy for the next twenty years. The money to pay off the interest and principal on the bonds will come from the Illinois taxpayer. It will cost us two to three times the amount that it costs to build these things. Maybe we should think about what we're doing instead of just assuming that we're going to do this and go willy-nilly into it. I...I think it's time that somebody said this.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Further discussion? Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members. Yesterday I opposed a...an amendment and, Senator Sommer, to my predecessor Senator Walsh, I am confused as well. I've been on the phone all afternoon yesterday and have not received a clear signal as to River Forest's position on this legislation. I am not opposed to Senator Bruce's portion of the bill, but I am quite confused on the River Forest portion. For those reasons, I'm going to vote Present until I receive a clear signal from home.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

All right, further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. As the father of the civic center legislation, I never dreamed that I would be making so many trips across the State to dedicate these beautiful buildings. Now, it's costing me a lot of money, I go at my own expense. In some places I have to stay over night, and I wish some of you legislators would take in consideration the problems you're costing me.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Further discussion? Senator Bruce may close.

HB 2381
3rd reading

SENATOR BRUCE:

Well, I think we ought to put a special appropriation in for Sam's travel as the father of convention centers in the State of Illinois and make sure that when he has to stay over night that we provide him adequate accommodations. This is to add one additional exposition authority and to clarify the language on Herrin and on Mt. Vernon. It started strictly as a Mt. Vernon...already authorized project, one amendment has gone on that deals with the exposition hall at River Forest. I don't think it's going to harm anybody. None of these have been approved, and I would have...for funding yet, so I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall House Bill 2347 pass. Those in favor vote. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 14, 4 voting Present. House Bill 2347 having received the required constitutional majority is declared passed. Page 6, 2381, Senator Vadalabene. On the Order of...House Bills 3rd Reading, top of page 6, is House Bill 2381. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2381.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 2381, amended, gives the fire protection districts and the municipalities which will be impacted under this Act shall be sufficient to cover the costs of providing capacity

HB 2438
3rd Reading

facilities and water necessary for...for fire protection; and what it does, it deletes the stipulation that the charge shall cover a reasonable portion of such costs, and no fire protection district charge shall be imposed directly on a municipality or fire protection district unless provided for in a separate franchise agreement. When this bill came over to the Senate from the House, it was a watered down version. With the amendment that was put on by Senator Weaver, the bill now has teeth in it. It is strictly a consumer versus utility bill, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Marcovitz.

SENATOR MAROVITZ:

I would just concur with Senator Vadalabene. The amendment that was put on yesterday by Senator Weaver really does put some teeth into this bill, it protect the fire...protection districts, and I would sclicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any further discussion? The question is, shall House Bill 2381 pass. Those in favcr vote Aye. Those opposed vote Nay. The voting is cpen. Have all voted who wish? Take the reccrd. Cn that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 2381 having received the required constitutional majority is declared passed. 2395, Senator Kelly...2438, Senator Zito. House bills 3rd reading is House Bill 2438. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2438.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. Befcre we begin, Senator Bloom had requested leave to be added as a cosponsor and I would ask to do that at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Bloom requests leave to be...Senator Zito...requests leave of the Senate to add Senator Bloom as a hyphenated cosponsor. Is leave granted? Leave is granted. It's so ordered. Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. House Bill 2438 amends the definition of professional nursing in the Illinois Nursing Act to clarify the practice of nurses who function in expanded roles. It is designed to provide a statutory basis for nursing specialties. It can be compared to the Medical Practice Act which refers to medicine and all its branches. As you're aware, physicians in this State are not licensed in their specialties. Physicians in this State are not licensed but...as surgeons or pediatrics but rather by the Department of Registration and Education, they license them as doctors and they receive additional training and schooling and become certified by a national accrediting body. This bill would hold true for registered nurses under this Act. House Bill 2438...which has received the unanimous support of all interested professional health groups in Illincis and has the support of the State agencies involved is necessary because of the enormous development of professional nursing in recent decades, since this Legislature adopted the current definition of professional nursing. Essentially by adding the words, "in all its specialties," the bill recognizes the development and existence of invaluable, professional nursing specialties among the practitioners of professional nursing, such as, psychiatric-surgical, certified midwifery nursing, emergency family practitioners, public health and other pro-

fessional nursing specialties. The bill simply aligns the statutory definition with professional nursing practice as it exists today. House Bill 2438 passed out of the House unanimously and is supported by the Illinois Nurses Association, the Hospital Association and the Illinois Department of Public Health, and all local health departments, such as the West Suburban Health Systems Agency. The Illinois Department of Registration and Education and the Illinois State Medical Society have agreed to the language of this bill as well. As I've said, it's received unanimous support, and I would appreciate an affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Newhouse.

SENATOR NEWHOUSE:

Senator, there...I...I was off the floor for part of this presentation and I...but I just want to ask this one question. There is some notion floating around that the nursing profession would like to have only four-year graduates to qualify as nurses. This is not in that bill is it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

That...Senator Newhouse, that question has been misconstrued. That...this is not present in this legislation at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If not, the question is, shall House Bill...Senator Johns.

SENATOR JOHNS:

This is not on LFN'S is it?

HB 2458
3rd Reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR JOHNS:

Nothing to do with those?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR JOHNS:

...not that extension of time.

SENATOR ZITO:

No, not...

SENATOR JOHNS:

Okay,...

SENATOR ZITO:

Don't misconstrue this, Senator Johns, it is not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 2438 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2438 having received the required constitutional majority is declared passed. 2458, Senator Nedza. Middle of page 6, House bills 3rd reading is House Bill 2458. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2458.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Illinois Department of Transportation is responsible for regulating the use of roadside...advertising signs,

and such fees associated with these signs have not had an increase since 1971. What this bill does is...it raises the permit fees to a hundred dollars on signs on expressways, tollways and interstate highways, and on other primary highways, increases the fee to ten dollars. It also puts a cap of eighty foot in height on signs on the interstate, tollways and expressways, and on the other primary highways, puts a cap of sixty-five foot in height on those signs. It...it increase the distance between some of the signs and it grandfathers in all of the present signs. I know of no opposition to it at this time, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Is there any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Just wanted to announce a potential conflict. I'll be voting Present.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Further discussion? Senator Rock.

SENATOR ROCK:

Just also to announce a potential conflict, but I'll be voting Aye.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Will this apply to downstate interstate so that the property owner who may be renting sign space will now only be able to rent one space to a sign company every five hundred feet rather than one every three hundred feet?

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Senator Nedza.

SENATOR NEDZA:

No, Senator, it...it applies to all of the highways...the primary highways, the tollways, interstates. It does not...it does increase some of the sign distances but depending upon the sign. It...it's signs with a gross surplus area less than a hundred and fifty square feet may be less than three hundred feet apart. So, it's the type of sign that you're putting up as opposed to...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Another question of the sponsor. Are you saying less than a hundred and fifty square feet...are you saying then those churches and civic clubs and et cetera who want to put out a sign on either their own property or some one member of their club or their church that says, First Methodist Church service, eight-thirty, nine-thirty and the address, are they exempt or are they going to be paying a fee to do this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza.

SENATOR NEDZA:

They will probably be paying a ten dollar fee but they would...but they can put those signs less than three hundred feet apart. So, there's no restriction on the sign, but they will be paying a fee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR NEDZA:

I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2458 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have

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3rd reading

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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 2, 1 voting Present. House Bill 2458 having received the required constitutional majority is declared passed. 2475, Senator Vadalabene. On the Order of House Bills 3rd reading,...middle of page 6, is House Bill 2475. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2475.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. House Bill 2475 as amended...current law permits jurors to receive up to ten dollars per day for their services. This bill will permit them to receive up to ten dollars per inquest but not exceeding forty dollars a day. Thank you, very much. This bill is similar to Senate Bill 313 that passed the Senate last year 59 to nothing but became a vehicle for a number of persons in the House and was deleted by a Conference Committee report that eventually lost. The amendment on this bill...that all autopsies currently must be performed by a licensed physician, and this bill adds that coroners may not under any circumstances perform any autopsies required by law, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall House Bill 2475 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present...1...1 voting Present. House

HB 2479
3rd reading

Bill 2475 having received the required constitutional majority is declared passed. House Bill 2479, Senator Jerome Joyce. On the Order of 3rd Reading, House Bill 2479. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2479.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. First of all, I might point out that the...the Calendar is wrong. There is not tax on alcohol in this...in this bill, but House Bill 2479 allows nonresident liquor dealers to warehouse their supplies in Illinois so that retailers have ready access to stock. Present law...prevents local liquor commissions from granting liquor licenses to business within a hundred feet of schools and churches. This bill allows local commissions, excluding Chicago, who do not object to that proximity to grant licenses. It is the option of the local commission to decide if they want to allow liquor business within a hundred feet of church or school. Additionally, this bill raises the alcohol content allowable in candy from one-half of one percent to five percent. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any...any discussion? Senator Collins.

END OF REEL

REEL #3

SENATOR COLLINS:

Yes, I...question of the sponsor. You're saying that, you're excluding...Cook County but this practice could, in fact, be up to the discretion of the commission to allow it...alcohol to be sold less than one hundred feet, the churches and other areas. Is...well...but I don't think...well, then, let me speak to the bill then. It is rare that I speak on...an issue that will affect downstate that has no impact on the City of Chicago. Unfortunately, I think this is one of those issues that it would in fact have some impact on the City of Chicago and the State of Illinois. I do not feel that any place in the State should alcohol be sold within a hundred feet of the school or the church. I think it is morally wrong. It provides access to booze that our children are already tempted enough, we don't want to make it accessible and available and, therefore, it is wrong no matter where it is. I'm opposed to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr...thank you, Mr. President. I, too, rise in opposition to this particular bill. When I was mayor and it was for ten years that I was a liquor commissioner in the City of Decatur, and we did use this one hundred foot restriction as far as being close to churches and schools. It's a little bit difficult to see what and why that should be removed. It has been a...a safety factor as far as the control of liquor is concerned and I do ask that...that be continued. The other question I have, is this also the bill...may I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rupp.

SENATOR RUPP:

Is this the bill that also allows five percent liquor in candy? If it is, I guess we're going to have the kids hanging around the candy store instead of the pool hall now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Well...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Jerome Joyce.

SENATOR JEROME JOYCE:

...I...I guess the reason for this is that some stores downstate had to tear out their...loading dock, it was like a grocery store, but the...I...I'm informed one was in Decatur that where the store was in any part of the store, was within a hundred feet of a church, it couldn't sell alcohol. It was a...like an Osco Drug Store and...and Jewel and...and so they...they had to tear the loading dock down so it wouldn't be within a hundred feet. Now the part about the candy, I think I explained that once in...but I'm...I'm getting some...some letters from church organizations and I think I ought to clarify that again. This candy is a special kind of candy that they put alcohol in this, it would be manufactured in Manteno, Illinois. We have to change the law, many other states have done this. The...a box of this candy costs about fifteen dollars. It is...you would have to eat six pounds of it to get one ounce of alcohol. Right now in ice cream, this rum ice cream and in rum cakes, it's allowed at a much, much heavier volume of alcohol. So, I...I don't see that kids are going to be hanging around candy stores if they've got to eat six pounds of it to get an ounce, but be that as it may.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp. Further discussion? Senator Keats.

SENATOR KEATS:

According to our analysis, this says this in...in amendment specifically...restores certain powers to the City of Rockford that the voters of Rockford had voted out on the home rule amendment. Could you explain to me what that is?
PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, I am told that they...the City of Rockford voted out home rule and now this would give the mayor the right to be liquor commissioner, to give out licenses and...and so forth.
PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

So what you're saying is that even though the voters of Rockford voted they expressly don't want the mayor to do it, we're going to say to the voters of Rockford, we don't care what your opinion is, we're going to stick it to you and go against the will of the electorate in the last election when they voted out home rule. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, I understand that they voted out home rule doesn't have anything to do with this. They have to be authorized to...if they aren't home rule they have to be authorized to do this. And this is the authorization.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats...Senator Keats.

SENATOR KEATS:

In other words, the voters of Rockford decided they didn't want to have this power locally, so we are going...we are going to override them, exactly. I understand. No, he don't, I can read it to, I...I can read to. We're saying that we've...we are putting this discretion back and the

voters said they didn't want that discretion. Okay. That's all.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have a question of you, Mr. President. How many votes will this require? Does it affect home rule municipalities?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. We'll take your question under advisement and be back to you in just a moment. Senator Netsch.

SENATOR NETSCH:

Thank you. I'm not involved in the...the substance of this bill, but I am concerned when I hear someone misrepresenting the nature of home rule and a referendum to remove home rule, and Senator Keats, I think you have misunderstood that. Home rule means that a home rule unit, a municipality in most cases, can do anything that relates to their governmental affairs without having to get permission from the State Legislature, so there is no State legislative authorization to which they have to look. It is that power which the voters of Rockford apparently removed, but it is absolutely consistent with that decision and the prior scheme that statutory authorization from the State Legislature to engage in all the kinds of things that we've always authorized our municipalities to do still must be on the books. And so, the idea of restoring the statutory authorization to a unit which is no longer a home rule unit is absolutely consistent not only with what the home rule scheme provides but with what I...I would guess the voters of Rockford were saying. So I think you've just really turned it upside down.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rupp.

SENATOR BUFFE:

Thank you, Mr. President. I do think that in an effort to clear up the home rule question, there has been some additional confusion put in, Senator Netsch. There is no...home rule power does not give the cities to do anything that they want to do. That is a...a wrong statement. What they have, they are permitted to do anything that is not forbidden or not preempted by the State, then that's what the home rule situation is. I lived under it for ten years. And I think that's exactly what it is. This particular question, I think we're getting away from the bill and away from the thrust of this thing. It's about to do with the liquor commissioner and his right and it does affect home rule cities. If this is taking away from the City of Decatur, which is a home rule city, the right to limit the hundred foot rule, then there's something...that is affecting the home rule cities.

PRESIDING OFFICER: (SENATOR BUFFE)

Senator Grotberg.

SENATOR GROTEBERG:

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

PRESIDING OFFICER: (SENATOR BUFFE)

Indicates he will yield. Senator Jerome...Senator Grotberg.

SENATOR GROTEBERG:

Senator Joyce, in the portion regarding the hundred feet et cetera, you did a pretty good job of explaining, but I read the analysis, not the bill, but I wonder what happens...you and I and many members of this...anybody that runs for office has from time to time bought a drink in a church basement. Where...where does that law come in? Is this...is there any...are we, you know, those are accidents that happen along the trail to success, I understand all that. But that's...are we...are we making any of that legal?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

We're not touching it at all, I hope.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rupp. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of House Bill 2479 as amended, and would like to point out from all the bleeding hearts that I have been listening to for the past twenty minutes that we are talking about the opportunity for some serious, direct economic development in Manteno, Illinois. This company wants to come to Illinois to manufacture this candy that contains miniscule amounts of alcohol. And to thwart it, it seems to me is a little shortsighted. We are hearing the thundering herd, the stampede that all of a sudden all the little kids are going to be eating candy with booze in it. You can go to Marshall Fields right now and buy it. It is truly not that big a deal. The fact of the matter is that in order to allow this company to bring its business to Illinois, we have to pass House Bill 2479. I urge your...favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Collins. Senator Jerome Joyce, if you wish to close, the Chair is still looking at whether or not this is going to be a preemption of a home rule unit's authority. Alright. Senator...Senator Lechowicz, did you have a question?

SENATOR LECHOWICZ:

Well, I'd like to have that question answered one way or another because I think it's very important. If the City of Chicago presently has a law that states you can't have a liquor establishment with...within a hundred feet of a school or

a church and this bill exempts that, or...it does not apply to the City of Chicago? That's my question. Did the...how does it affect the home rule? And if it does, how many votes are required? That was my question to the Chair. I'd like to have that answered.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...Senator Collins.

SENATOR COLLINS:

Yes, thank you. While you're waiting for your rule in...let me just...and I apologize for rising a second time. I think something is missing here in this debate that we've gotten away from the original focus. I don't think any of us would object to any reasonable means to promote the...the...the growth and development of new businesses in Illinois. That part of the bill, I have no objections to. What I do have some objections to is the fact, if I heard right from the sponsor when he answered my question, that this bill allows the candy and other alcoholic beverages to be sold within one hundred feet of the school or church. Now, promoting business growth has nothing to do with that issue, and that issue alone is why this bill should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eock.

SENATOR EOCK:

Well, I...I'm reluctant to rise a second time, but as often happens around here, people fail to read what the bill says. And the bill says very specifically, on page 18 as amended, "that is not located in a municipality of more than five hundred thousand persons." Chicago is in no way affected. It's out of this bill altogether. And additionally, what it says is that unless required by a local ordinance, so where the local ordinance says not within a hundred feet, that's still the law. I just...that's exactly

what it says. In...in my judgement, it is in no way pre-emptive.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Further discussion? Further discussion? Senator Joyce, do wish my ruling before or after you close? Whichever way you wish. Before. Alright. The question has been raised by Senator Lechowicz as to the vote requirement on this particular piece of legislation. Under Article Section...Article VII Section I of the Constitution of the State of Illinois states that, "Home rule units may exercise and...perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by a law does not specifically limit the concurrent exercise or specifically...declare the State's exercise to be exclusive." This is a...it's the ruling of the Chair that this is a concurrent exercise of authority. The...there have been a series of appellate court cases holding that in a...particularly in the area of alcohol beverage regulation that the State and...and cities operate that area concurrently. And so because of that, it will require thirty affirmative votes to be adopted. Thirty votes, Senator. Senator Jerome Joyce to close.

SENATOR JEROME JOYCE:

Thank you, very much, Mr. President. This bill would still allow the local liquor commissioners to keep a place that sold alcohol within a hundred feet from a...from a church. It also would allow the putting of five percent of alcohol in candy. Now, it's not candy bars, it's not something that is going to be bought by little kids. It's...costs ten to fifteen dollars a box for a pound. It's...that's not going to be sold within a hundred feet of a church, unless I guess the church wanted to sell it. And...and I...it's going to provide seventy-five jobs, I can't see where this is going to hurt anything at all in the State of Illinois except per-

haps help the economy, and I'd certainly ask for an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall House Bill 2479 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 22, none voting Present. House Bill 2479 having received the required constitutional majority is declared passed. House Bill 2502, Senator Hall. Senator Hall, do you wish to...read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2502.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill permits two or more fire districts to form a single consolidated district when the boundaries of the district are contiguous and the same municipalities are served by the same fire department. Current law permits consolidation of two or more fire protection districts into one district when the boundaries of the district are contiguous or overlap. If more than two districts are involved, it is not necessary for each district to adjoin each of the other districts, but each district must adjoin one of the others. Conceivably, if this bill becomes law, a single fire protection district could consist of two areas with the municipal fire department dividing them. This legislation pertains to three fire districts which serve the unincorporated territories surround the City of Belleville, its south side, west side and north side protection districts. All three of these fire districts have a contract with the same volunteer

fire department. The consolidation that is being sought strictly for financial reason and is supported by all three districts. I ask your most favorable support of the legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall House Bill 2502 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 2502 having received the required constitutional majority is declared passed. House Bill 2509, Senator Demuzio. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2509.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This bill is a product of both the Speaker, Michael Madigan, as well as the Attorney General in Illinois, Neil Hartigan. And what it in fact does is that it adds senior citizens to the various boards and commissions, whichever boards and commissions are left, throughout the State. It was, in fact, a product of a great deal of discussion, apparently, with the various senior citizens' groups around Illinois, and that is in its simplistic form as to what it in fact does. Attorney General Hartigan who has championed the rights of senior citizens and old...older persons and retirees has...has indicated his support for this bill, and it seems to me that in terms of the overall public policy of Illinois that certainly senior citizens deservedly

ought to be more represented on the various respective boards and commissions than they already are, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR EBUCE)

Is there discussion? Senators Schuneman, Fawell and Davidson have sought recognition and Maitland and Geo-Karis. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I just wanted to point out something. I...I certainly appreciate...being close to the age sixty mark and soon to be a senior citizen, appreciate what the Attorney General is doing and what Speaker Madigan are doing for us; but as I get into the situation, it appears to me that they really aren't doing anything, because the bill seeks to change the law and require that one senior citizen be added to some twenty-seven State boards and commissions. The fact of the matter is that there's at least one or more senior citizen on all those boards now, and I think that what we're doing here is sort of a useless exercise to show somebody that we're for them or against them, and beyond that, we aren't really doing anything.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. Speaker and members of the Assembly. If the people on my side of the aisle will look at the analysis on page 2, what the former Senator who spoke has said will prove out to be very true. My question is, if this is going to add another member of the...onto the commission, according to our analysis that means that most of the commissions are then at that point going to have an even number on their commission and that could present problems, especially if it comes to a close vote and it ends up as a tie. Are you

talking about adding another...and...and I...I ask the...the...the Senator...the sponsor to yield, are you talking about adding another senior citizen to each one of these boards or are you saying that the present boards will consist of at least one senior citizen, because it makes a big difference on...on what this bill is really saying.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

I'm...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell, do...

SENATOR DAVIDSON:

...I'd like to have an answer to...to Senator Fawell's question and I...may not be necessary.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Demuzio.

SENATOR DEMUZIO:

Thank...thank you, very much. I'm surprised that Senator Fawell didn't have that in the Republican analysis, but never the less, I am told reliably here that it is included both ways. That, in fact, it does, in fact, require a person who is age sixty or older on various boards or commissions and/or increases the...the number of the commission to add such a person.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

Then actually in effect what you are saying, since there...according to our analysis, there's only one board that does not have someone over the...that's over sixty. What you are saying is this bill is for that one board to...to add a member, the rest of the boards are all right. I would like to know the legislative intent. Are you talking

about increasing each one of these commissions with one more member when all of them except for one has got a member already with sixty? Or are you talking about adding another sixty year old to some boards that have already got eight and nine members that are over sixty on them?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, frankly, I had another conversation going on behind me. I...you want to restate your question just...just briefly?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

What I am asking, sir, is, are you talking about adding one more member who has to be sixty or older on each one of these commissions, particularly all...since all the commissions right now except for one have already got at least one member that's over sixty? Some commission have eight members that are over sixty. Are you talking about adding irregardless one more member that's over sixty or are you saying to that one commission who does not have a member that's over sixty, you add one and you're going to have to take another member which will make them an even board which could resolve in a tie in any decision they make? All the boards right now are odd numbered boards I have been told and that means, when you add one more, you're going to make even number boards which could present a problem in a tie vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. May we have some order, please. Senator Demuzio.

SENATOR DEMUZIO:

The answer is, yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

Yes to what? You want to add one more sixty year old to every person in the...on every commission, which means that every board will be susceptible to a tie vote. Is that what you're saying?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Yes. Some...some board...boards already have, I am told, twelve members and in fact it would be increasing them by one. Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Out-front question, Senator Demuzio. For an example, if the board has eleven members and one of those persons is already sixty or older, do...does this bill require for a twelfth member to be appointed?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

In other words, twenty-seven commissions will have one additional member appointed to them regardless whether they have already people sixty or older on it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, currently there is no statutory authority that mandates that a member of a...of one of those commissions

that is in fact named be age sixty or over.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Then you gave me a yes and no answer to two questions. The first question I asked, if it's got a eleven people and they got one over sixty, does this bill require another member to be added? You said, yes. I've just now asked you then all twenty-seven members...twenty-seven commissions must have one additional member added regardless of what they got on it now. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Demuzio.

SENATOR DEMUZIO:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Fine. We just want to know where we're coming from; in other words, we're going to put twenty-seven more people on commissions for expenses.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Further discussion? Senator...let's see, Maitland.

SENATOR MAITLAND:

Well, thank you...

PRESIDING OFFICER: (SENATOR BRUCE)

You're next Senator Geo-Karis.

SENATOR MAITLAND:

...thank you, very...thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I think we're beginning to understand what a silly idea this is. I think everybody has gotten their press out of this and we've excited the senior citizens on all those...but we are creat-

ing a monumental problem and the...the previous discussion has just suggested that. Many of us have gotten letters from time to time from...members of the...the Teachers' Retirement System, for example, asking to put a senior citizen on that board. And I have said that I would support the placing of a senior citizen on that board if, in fact, someone from that side, from those four people, would be replaced by the senior citizen. What you are doing, Senator Demuzio...and I would suggest that you listen to what we're saying because you never know what we've said after we ask you a question. What I would suggest to you is that take...take the case of the Downstate Teachers' Retirement System, it now has nine people on it. There are four and four and the...and the State Superintendent of Schools. We've now would place on that board five individuals, five individuals...

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose Senator Demuzio arise?

SENATOR DEMUZIO:

Well, the...the gentleman is talking about the Downstate Teachers' Retirement System and they are not in the bill. I just want him to get it correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

...the State...the retirement...the State University Retirement System.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, yes, the Board of Trustees of the State Retirement...the Board of Trustees of the State Employees' Retirement System is included.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Would not the same...the same problem exist on...on that system by putting someone on the...on that side of the board, wouldn't that create the same problem?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

...it possibly could, I...I'm not familiar with who those members are, know what their ages are at the moment, Senator Maitland.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Point I'm trying to make, Senator Demuzio, is we have a balance. Those...those trustee systems have a balance of people who are...possible annuitants or people who are connected with the system and people on the other side. It seems to me that what we're doing here is changing that balance. Now...now is the answer to that question yes?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio. Senator Demuzio, did you have response?

SENATOR DEMUZIO:

I'm waiting for my...to me.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Alright. Alright, Senator Demuzio, are you...are you prepared on...Senator Demuzio.

SENATOR DEMUZIO:

I am told it does not upset the balance, that...just requires one person to be age sixty statutorily, that, however, there...in fact could be other members that are of the same age. If you're talking about that upsetting the balance, perhaps.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Senator Demuzio, that's in direct conflict to the affirmative answer that you gave to Senator Davidson. Now, you know, I guess some of us don't know whether we're for or against this, but you are making us very quickly of...of the opinion that we ought to defeat this, and I...you know, we're not getting answers to the question and this very necessary.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Further discussion?...Senator Demuzio, did you...alright. The next...further comment? Senator Geo-Karis.

SENATOR GEC-KARIS:

Well, I think, Mr. President and Ladies and Gentlemen of the Senate, the intention of the bill is good and this bill has to go back to the House, because there is a Senate amendment on it, and I would like to suggest to the sponsor of the bill that it be taken a Conference Committee in the House and the bill be amended so that there will be the balance and still guarantee that there will be one senior citizen on the various advisory boards here and what have you. Keep in mind a lot of these commissions are going to be eliminated anyway, but I do think we do owe a duty to the senior citizens and...we ignore sometimes; and you must remember, the Department of Aging Act specifically provides that the Department of Aging director has to be fifty-five years of age. So the bill has its good points but it does need restriction, and if they don't do it in the House, I'm sure the Governor will do it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I don't feel that strongly about it. Thank you, Mr. President. I am going to vote against House Bill 2509 and if some of you are trying to find some basis for

courage to do the same thing, let me just try a couple of...of facts about it. At least from our analysis, it...the bill would indeed add twenty-five new board positions. It seems to me that although these boards are not...quite the same as the commissions which we are struggling with which are primarily legislative commissions, the...the principle is not totally divorced and it seems to me it does not make an awful lot of sense to add twenty-five new board positions anywhere at this stage of the game. All but three of those that would affected are boards which are primarily appointed by the Governor, three of them are legislative commissions where obviously we could make the difference ourselves in terms of how we go about making the appointments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch, may...may I interrupt you just for a minute. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

I'll accede to Senator Geo-Karis' request and have it taken out of the record so we can thoroughly discuss it.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Is there leave to take it out of the record? Leave is granted. House Bill 2511, Senator Degnan. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2511.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 2511 exempts persons applying generally used pesticides, such as Raid and Janitor in a Drum, at noncommercial locations from certification requirements by the public health department. Public

Act 83-825 adopted last year and into law...became law this year made overly restrictive the requirements that would have included...or do include landlords and business owners from the use of Raid and Janitor in a Drum and other such general pesticides by landlords and business owners. This passed out of the House 110 to nothing. If there are any questions, I'd be happy to answer them; absent questions, I'd move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. May we have some order, please. Is there discussion? Senator Davidson. Further discussion? Further discussion? The question is, shall House Bill 2511 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 1 voting Present. House Bill 2511 having received the required constitutional majority is declared passed. House Bill 2525, Senator...for what purpose does Senator Degnan arise?

SENATOR DEGNAN:

Thank you, Mr. President. Earlier...this morning, I asked for and received leave to return to House Bill 1563 at the appropriate moment. I would ask to do that now.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. On page 4 of your Calendar, the last bill on that page is House Bill 1563. May I have your attention, please. Senator Degnan sought and received leave to go to that order of business when amendments were prepared, and we are now going to page 4 and House Bill 1563. Senator Degnan is recognized for a motion.

SENATOR DEGNAN:

Thank you, Mr. President. I believe Senator Grothberg and Senator Savickas have filed the appropriate motions on amendment. I would seek leave now to return this bill to 2nd

reading for purposes of those amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan seeks leave to return House Bill 1563 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. All right. The bill is on the Order of 2nd Reading. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Savickas. WAND-T.V. would like permission to film you and other members of the Senate. Is there leave? Leave is granted.

SENATOR SAVICKAS:

Leave is granted, you know...

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Savickas on Amendment No. 2.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Amendment No. 2 is in response to Senator Grothberg's concern about a repealer clause. It adds that repealer and it also adds that the money would be distributed with...every three months quarterly. Senator Grothberg has offered an amendment following this that would...that evidently goes a little further and is more detailed in the repealing effect, but it will fit right in...into Amendment No. 2 following Section D. So, at this time, I would like to adopt Amendment No. 2 and Senator Grothberg's amendment following, Amendment No. 3, I assume, and put these...both amendments on and pass it over to the House for their consideration. So I would move adoption of Amendment No. 2 at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is to adopt Amendment No. 2. Is there discussion? Senator Grothberg.

SENATOR GROTEBERG:

Thank you, Mr. President. Thank you, Senator Savickas. I think it only fair to edify the group what your amendment literally does. It breaks it out into quarterly payouts. It goes into a...a new fund. It doesn't go out somewhere else. It can only be used for these purposes, but it's quarterly and then my amendment will...we're on your amendment, but if we're going to talk about the amendment that follows that gives to specific authority to come in and stop the whole game if our...if we're going to kill this gcsc. So I...I have no objection to this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Groteberg.

SENATOR GROTEBERG:

Probably Senator Savickas should be answering this, but this sunsets at the end of a year?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, in the amendment I've placed on the Secretary's Desk would repeal this Act December 31st, 1985. Senator Groteberg's amendment would invalidate that section and call within six months after the effective of this amendatory Act the board shall...review the sales of lottery tickets or shares and the proceeds therefrom and the power to suspend by...or rescind by emergency rule, if the lottery...the...if the twenty-five percent increase has resulted in a reduction in sales of fifteen percent or more during the period, which is the subject of the board's review. This is done to answer the questions that if...if this surcharge reduces the lottery by any major portion that it will be repealed. And I think it's a fair...fair amendment. I think they should both be adopted and they do fit right into each other.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The motion is to adopt Amendment No. 2, however. Senator DeAngelis on Amendment No. 2.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Savickas, what method are you using to determine enrollment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

State Board of Education will make that determination by body count. It says in the bill itself, page 2, lines 18 or 20...21 is the answer; starting at 20...the end of 20, it says, "The State Board of Education shall annually certify to each regional superintendent of schools the student...enrollment of each school district within the educational service region during the preceding school year."

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I do believe that the State Board of Education uses the TWADA System, total weighted average daily attendance.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Savickas.

SENATOR SAVICKAS:

...Mr. President, members of the Senate, we did debate this question yesterday. The amendment has nothing to do with the enrollment or the head count. I would just as some...if we adopt the amendments, we will be back on 3rd reading and we can debate this particular question again on 3rd reading, which would be very shortly. So, why don't we proceed with the amendments and debate the bill as soon as it gets back on

3rd reading.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Savickas, contrary to whatever assumptions you might be making, I would be inclined to vote for your bill. This issue was not debated yesterday, I did debate the distribution. But when you say enrollment, the State Board of Education system of enrollment is not body count, it is totaled weighted average daily attendance. I do have another question.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Alright. Did you wish a response to that part...portion of your question, Senator DeAngelis?

SENATOR DeANGELIS:

Well, I...I don't...I would but I don't think the sponsor has one.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Savickas, did you have a response?
Or...

SENATOR SAVICKAS:

Well, all I can respond is what is written in the bill. It says, "The State Board of Education shall annually certify to each regional superintendent of schools, the student enrollment of each school district within the educational service region during the preceding school year. Funds allocated and paid to a school district under this Section shall be used for educational purposes by that district." The board will count the heads and state how many children are enrolled in that district and that is the count.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis, you had a second question?

SENATOR DeANGELIS:

Yeah, well,...alright, second question is, when this

twenty-five percent is paid, do the total proceeds of that twenty-five cents go into this fund?

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator...Senator Savickas.

SENATOR SAVICKAS:

Yes. The total proceeds go to the fund and that was the purpose of the creation of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Further discussion? I have Senators Hall and Jones. Senator DeAngelis.

SENATOR DeANGELIS:

I'm sorry, Mr. President, but that means that the odds on winning the lottery have been extended by probably fifty percent. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, I'm not a bookmaker and I don't know how you develop your odds. I think they're faulty in development but I don't think they're correct. The odds of winning, are you talking about your investment against winning? If we're talking about whether you win seven million dollars compared to maybe six million dollars, I don't think the person that plays really cares whether it's seven or six million dollars for an extra quarter. I think that's what we're talking about. It's not going to affect the odds in any way, unless you figure your odds of winning five million compared to a dollar investment or winning five million compared to a dollar and quarter investment. I just don't understand how the odds...how you feel the odds are affected.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator DeAngelis, this...this will have to be your last question. Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Savickas, if...if your assumption is correct that they don't care what they win, then I have a better recommendation, keep it at a dollar and limit the prize to a million and put the rest of the money in the local school fund.

PRESIDING OFFICER: (SENATOR EBUCE)

Alright. Senator Kenneth Hall.

SENATOR HALL:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR EBUCE)

Indicates he will yield. Senator Hall.

SENATOR HALL:

Senator, is this correct what I'm reading? "It amends the Lottery Act to impose a twenty-five cents fee on each lottery ticket sold." Is...is...now your amendment and...in other words, I have a lot of people that can only afford to pay fifty cents for a ticket, many of them pay a dollar. So if they buy fifty-cent ticket, there going to be a twenty-five cents fee on a fifty-cent ticket?

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Savickas.

SENATOR SAVICKAS:

It's...it's twenty-five...twenty-five percent of the price of such ticket. We're talking for a quarter on a dollar sale. And that's...that's what we're talking about.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Hall.

SENATOR HALL:

Well, I'm reading where it says twenty-five cents on each lottery ticket sold. That's what I want to know. If it's a fifty-cent ticket, do you pay a twenty-five cents...in other words, if I spend fifty cents for a ticket, it's going to cost me seventy-five cents to buy the ticket? Well, then, this is incorrect what is in...what is in our Calendar.

Right?

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Savickas.

SENATOR SAVICKAS:

Senator, if you're reading from the Calendar, that's just a short synopsis; as you know, it does not detail the...the bill. I would suggest that you take time to read the bill and its amendment and spend a few minutes instead of going from the Calendar.

PRESIDING OFFICER: (SENATOR EBUCE)

Alright. Senator Jones.

END OF REEL

REEL #4

SENATOR JONES:

Yeah, thank you, Mr. President. In...in response to the question...just to clarify, I know Senator DeAngelis was questioning him as to how would this relate to enrollment since in the School Aid Formula we use the TWADA system, but the...the State Board does use enrollment to determine whether or not students have been...immunized, it's...and...but we're talking about school aid and the formula itself, that's a different thing. So, enrollment is no real problem because all they will do is pick out a certain day of the year to determine what the enrollment is in a particular school district, and usually that is done during the first one or two months of the school year beginning in September and October. So, that is no problem for the distribution of these funds. It has nothing to do with the TWADA system as it relates to the School Aid Formula to distribute aid to all the school districts, and the bill as...as it is written...as the amendment is on this bill is good, and I urge each member to support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marcovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, I'm not a bookmaker either, Senator DeAngelis...Aldo; however, let me just say this, if, as some people are concerned, fewer people will play the lottery and there will be a slight fall off in revenues, that would, in fact, increase the odds of winning, increase the chances of winning; if fewer people are going to play it, there'd be a better chance for those people who play it to win. So, I

wouldn't concerned about the odds of this thing. I think the most important thing is what we're saying here about education and about our...our commitment to education and the school children of this State. If, indeed, as the Lottery Board's own...own projections are, this is going to mean two hundred million dollars of additional revenue for the kids of this State. I think that's extremely important, and the fact is, we all know that the original rationale for the lottery was for the money to go for the schools. If I am...and Senator Savickas, please correct if I'm wrong, don't we designate the dollars in this...from this surcharge to go to a specific fund to be used only for education? So there is not a...so the legislative intent is clear and the money will not go into GRF but only be used for the school children of this State. So, I wouldn't worry about the odds also, Senator DeAngelis, I think the chances of winning will be increased if, indeed, less people play the lottery.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Will the sponsor yield to a question, please?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Newhouse.

SENATOR NEWHOUSE:

I wonder if you could tell me, Senator, how we initially got sidetracked from the use of those dollars for education to their...I guess...residence in the General Fund, how did that happen? Do you know the answer?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

I imagine they got sidetracked somewhere in the Conference Committee and whoever was the Governor at the time decided that it was better to have gubernatorial discretion

on how the...funds are appropriated and to put into general revenue and let the Governor decide. I think that the people have...have been a little hoodwinked. They assumed that all that money was to be used for education, the original intent of the passage,...and I think it's time that we go back to...the original intent. I think it was in...I'm reading just some notes here that it was enacted in law in December of '73 with the initial ticket sales taking place in July of '74, and although some of the early proponents of the law supported use of lottery revenues to provide additional funding specifically for education, the original law did not restrict use of these revenues, and in its final and present form, the law provides for monthly deposit of net revenues and lottery fund interest earnings into the General Revenue Fund. In January of '82, the Governor announced that 174.4 million in lottery revenues had been allocated to the Common School Fund out of total net revenues since the inception of four hundred and twenty-two million, about forty-one percent, and we can't confirm these figures in the penalty because such an allocation is not a requirement of law, and I think by specifically putting it into law that we will answer the questions of many of our constituents that ask, where did the money go?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Newhouse...all right. Senator Rock.

SENATOR ROCK:

I...I don't mean to be picky, Mr. President, but we're not even talking about Amendment No. 2 for the last twenty minutes. I would like to move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the point is well-taken, Senator Rock. The motion is on the adoption of Amendment No. 2 to House Bill 1563. On the motion, those in favor say Aye. Opposed Nay.

The Ayes have it. Amendment No. 2 is adopted. Are there further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Grothberg.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg on Amendment No. 3.

SENATOR GROTHEERG:

Thank you, Mr. President and fellow members. Yesterday about this time I was concerned, as were many of the members, including the sponsor, I believe, of killing the goose that lays the golden egg. I have come up with an amendment that I think will at least let someone put the goose out of its misery, if it's wounded, and it's so short that I think I will take time to read it for those of you who don't have it on your desk. We tried to get it out to you but could not, but I'm suggesting that within six months after the effective date of the Act, that would be the first two quarters, according to the amendment we just...adopted, but after the first two quarters, six months later, the lottery board shall review the sales of the lottery tickets or shares and the proceeds therefrom and shall have the power to suspend or rescind by emergency rule the twenty-five percent increase in the tickets or shares provided for in this section for a period not to exceed the one year, which is the drop-dead date of the foregoing amendment, subject to approval by the Governor in the event that the twenty-five percent increase has resulted in a reduction in sales of fifteen percent or more during the six-month period under discussion. So, it lets...the Legislature may or may not be in. The lottery could be sinking down the tubes, nobody would be there to help it out. We have a lottery control board, we have an Executive, I suggest that in the interest of saving this system, which I voted against in 1973 and have only invested four dollars so far in my lifetime in it, that of all people

that should want to save it, I should be the last, we also run the danger of making this bill so good that it will go to the Governor, but yesterday when we had two hundred...thousand teachers down here looking for two hundred million dollars, the answer may be in this...the answer may be in this. I don't know where it is. I'm willing to contribute my share to the cause to advance this to something realistic but the safety valve is in Amendment No. 3, and I ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the motion is the adoption Amendment No. 3. Discussion of the motion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. For what purpose does Senate Vadalabene arise?

SENATOR VADALABENE:

Yes, on a point of personal...privilege, Mr. President and members of the Senate. Sitting here behind me in the gallery is Dr. Youngers and members of the board of education and administrators from Alton, Illinois, and I would appreciate if they would stand and be recognized by our Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized by the State Senate. Welcome to Springfield. All right. We will now return to...to House Bill 2525, Senator Bloom. Senator Bloom, do you wish to...to...read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2525.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Floom.

SENATOR FLOOM:

Thank you, Mr. President and fellow Senators. What House Bill 2525 does is basically put into the Administrative Procedure Act a...it embodies the decision that involved the Department of Revenue, and telephone companies, and basically it does as described in the synopsis. In other words, the Department of Revenue, after the phone companies, large and small, had followed certain of their regulations, the Department of Revenue then disavowed, then said, well, that was an invalid regulation so we're going to collect more money from you and your subscribers, and the subsequent litigation, obviously, overruled the Department of Revenue. So, as part of the annual report, the Joint Committee has suggested that this be embodied in the Administrative Procedure Act so there's no more litigation. I would answer any question; otherwise, seek an affirmative vote.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, is there discussion? Discussion? The question is, shall House Bill 2525 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 2525 having received the required constitutional majority is declared passed. House Bill...all right, House Bill 2534, Senator Dawson. Senator Dawson on the Floor? All right. House Bill 2542, Senator Barkhausen. Hold? Read the bill, Mr. Secretary, please. House Bill 2542...hold. House Bill 2553, Senator Berman. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2553.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eerman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The...the synopsis on the Calendar is slightly in error. What the bill does is to allow for membership on the citizens utility board employees of the...of the utilities who are not in a managerial or supervisory capacity to be eligible to run for election to the citizens utility board. When the bill was originally passed, the bill provided...last year, the bill provided that...managerial and supervisory employees and other employees could run for the citizens utility board. That provision was vetoed because they...it was the feeling that the upper echelon of management would not be impartial as representatives on that board. This bill merely allows the nonmanagerial employees of utilities to run or be candidates for election to the citizens utility board. The other item that it does is to move back the election for the board from December 31 to April 30th, the deadline for it to 1985...for a four-month delay. Solicit your Aye vote and be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, is there discussion? Senator Keats and Geo-Karis have sought recognition. Senator Keats.

SENATOR KEATS:

Okay, I...I notice in committee this bill did receive bipartisan opposition. I notice in committee, Senator Bigney, Senator Welch and Senator Buzbee also voted against it in committee. I want to raise a point. I am opposed to having managerial employees of utilities allowed to run, but I am equally opposed to having nonmanagerial. Let me explain

why, and I will use Commonwealth Edison as an example 'cause Com. Ed. is easier to pick on 'cause they're probably the most inefficient of the utilities. It is not exactly unknown that Commonwealth Edison is notorious for featherbedding, had some union contracts that do definitely jack up their costs and they have occasionally hired people who you probably would have a hard time defending having on their payroll. If you allow someone who has a vested interest in being sure that their contracts or whatever are covered and taken care of, I just think their conflict is just as great. I think...to say the Commonwealth Edison management should not serve is reasonable. To say that someone who has just as great a conflict of interest as the management should not be eligible, I think is just as reasonable, because keep this in mind, one of the bargaining tools used within Commonwealth Edison is the unions do not publicly blast the management for many of their questionable practices as long as the management basically gives them whatever they would like. So, what I'm saying is that the conflict of interest is not simply management, in this case, but is labor also, and while I strongly support excluding...management, I say, you have to say everyone has a comparable...comparable conflict. The best example being, let me take it comparable into the private sector away from a nationalized industry, take it to a private sector, General Motors, Ford, one of the great frustrations for United Auto Worker's members and the reason, if you've been following, they're throwing out in the local elections virtually every local official of the UAW who is for Chrysler...has been thrown out of office recently, because the membership is so mad that unions always had that sweetheart deal. You management guys at Ford or GM or somebody, you do what you want, you throw in your perch, you go ahead and stick it to consumers, that's okay, just let us have ours too; and they've always had that sweetheart deal,

you don't question me, I don't question you. So, what I'm saying is, if we're going to have that you don't ask any questions, I don't ask any questions relationship, let's exclude both of the parties who have been jacking up utility costs from the CUB process 'cause the CUB is just about the only protection some of these consumers may have. So, I say...now if you're just unalterably opposed to the idea of a CUB, and most of us did support the CUB concept...if you're unalterably opposed to a CUB, then don't worry about it, but if you actually feel the citizens utility board should have some effectiveness, which from a utility payer...ratepayer's point of view, we would hope, I think you want to keep everyone with a conflict off the board or at a given time, they'll dominate it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand then what your bill does, it says, it allows any employee not in the managerial or supervisory capacity but who works for a public utility to be a candidate for the citizens utility board?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eerman.

SENATOR EERMAN:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think this is a classic case of putting the fox in the hen

house. Now don't tell me any employee of a public utility company who serves on this board isn't going to sit and listen to the manager of his public utility if there's a question of where to go. I think it's unfair. I don't think it'll be...at all feasible and I don't think it'll do us good to have a citizens utility board when we have anyone from a public utility on that citizens utility board. A number of us have been fighting their rates, their habits of...of the...public utility boards. How in the heck are we going to clean them up unless we put some unbiased people in there who are concerned, and I...I submit there is conflict of interest when you have an employee of a public...utility to be on that board, and I speak against the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

...further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I...I don't have a...much care about this. I don't think the CUE is going to be very effective anyway, but I...I want to tell you the IBEW is the union that's pushing this and they fought the CUB till all the way down the line. So, I don't know what they're trying to do putting a member on there, but let me tell you, they were never, ever, ever for the CUB.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'm against this bill for two reasons; number one, it seems to me that many of the arguments made against an elected commerce commission are applicable to this particular bill as far as letting somebody who is interested...an interested party be elected to the citizen utility board. The second reason I oppose it is that we're pushing back the date for electing the directors another, I think it's three or four months. Right now the interim board

of directors does not contain one member from outside of Cook County. Each of the leaders in the House and the Senate appointed members from Cook County. We have no...representation on the interim board from downstate, and I think that the sooner that that is rectified the better, and I intend to vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator DeAngelis. All right. Senator Eerrnan may close.

SENATOR EERRMAN:

I would like the people, Senator Keats is particular, to think about the comments that you've made, and I think that the comments that you made point up why this is a fair bill. All of the opponents have talked about putting on the board an employee of the utilities. That's not what this bill does, and the point that Senator Keats made regarding the voting out of office of certain union members points up where the merit of this bill is. This is not an appointed board. This is an elected board in which the candidates for election circulate their credentials and are voted upon by all of the other members of the CUB, and that can be five thousand, ten thousand, a hundred thousand people in Illinois, and when they submit their credentials for election, these people are submitted for election. A true small D, democratic process. All that we're doing by this is eliminating a discriminatory, prejudicial provision that's in the CUE. Why should people who happen to work for utility and do not have the position of making managerial decisions, why should they be prohibited from submitting their credentials to run for office? That's the same thing as if we tried to pass a bill here that would say that a person that was a teacher and is going vote on teachers' salaries or School Aid Formulas should not have the right to serve in the General Assembly. Why should we say to somebody who has had managerial...strike that...that somebody

that has had employee...background that can lend some expertise to the debate, and the debate in the CUB is going to be crucial to the...not only to the representation of...of the CUB's advocacy but to all of the people of the State of Illinois. What's wrong with having somebody on there that has some experience? We're not putting anybody on that board. What we're doing is eliminating an outright discriminatory provision that says that they, because of their employment, can't even run for office...can't even run for office. That's all this bill does, and I would suggest to you, on both sides of the aisle, that a pure, democratic process is to allow everybody to offer their credentials. If the voters in that congressional district that are members of the...of the CUB feel that there is an...an inherent conflict of interest, these people won't be elected, but all of us sitting in this Body in particular, we run without qualification. We don't have to have any qualification except age and it makes it a good, true, deliberative Body. That's what this CUB should be. That's the merit and the beauty of this bill where we are eliminating a discriminatory provision that excludes the consideration of people that may be very well qualified to be on that CUB. That's the essence of this bill. I think it is a good democratic bill. It happens to be on the support list of the Illinois State AFI-CIO. I would urge your...your affirmative vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 2553 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 21, the Nays are 32, 2 voting Present. House Bill 2553 having failed to receive the required constitutional majority is declared lost. House Bill 2556, Senator Blocm...I'm sorry, Senator Degnan. Senator...Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I'd like to change the sponsorship at this time on House Bill 1563 to Savickas-Grotberg-Degnan and Jeremiah Joyce, and I'd also...having received leave to...at the request of Senator Grotberg and Senator Savickas earlier today, moved passed a bill but with the agreement to come back to the bill, I would like to come back to 1563 now and call it for 3rd reading.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. You...you did receive leave and you are prepared at this...at this time? All right. All right, we will return to page 4. We've had intervening business. Two amendments have been adopted to 1563 House Bill, on page 4 of your Calendar. Is there leave to change the sponsorship to read Savickas-Grotberg-Degnan-Jeremiah Joyce? Leave is granted. The principal sponsor shall be shown as Senator Savickas. Senator Savickas on House Bill 1563.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senator Geo-Karis also seeks leave to be added as a cosponsor. We've debated this bill quite extensively. It's the twenty-five percent surcharge on the lottery tickets. It's what we hope will offer a relief as far as finances to our public school system. Senator Grotberg's amendment which provides safeguards for the lottery system itself that those of us that feel that it shouldn't be raided and shouldn't produce a negative effect. With the safeguards in place, what the bill, as debated, with the knowledge that this is one way a new concept to answer our financial needs for our school problems. It's not a permanent one, but hopefully an answer that will assist in finding a permanent solution. I ask a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The Secretary will read the bill a third

time.

SECRETARY:

House Bill 1563.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. There been a lot of debate on this bill and I...before we vote on it, I simply want to reemphasize to those of you who are from downstate, I think most of you voted for the bill that I introduced that would...that would put the lottery funds into the Common School Fund and I think there's a lot of support for that idea around here. We're not doing anything like that here because those monies, if we...if we allocated them to education, would go into the School Aid Formula. This bill specifically says that any money in this fund shall be allocated quarterly among the various education service regions in such a manner as to ensure that each individual service region receives a sum equal to the amount deposited in that fund as a result of the purchase of lottery tickets occurring within that service region. So in other words, if you come from a school district downstate where lottery sales are not high, you're going to get little or nothing out of this bill. The other problem I want to mention is the fact that the managers of the lottery don't even have the capability right now of telling where...of which education service regions the various sales come from. So, we're going to impose upon them some burdens that they don't have now, plus the problems mentioned by Senator Grotberg.

PRESIDING OFFICER: (SENATOR BRUCE)

The following Senators have sought recognition: Senators Schaffer, Grotberg, Marovitz, Hudson, Bloom and Jones. All

right, Senator Schaffer.

SENATOR SCHAFFER:

Well, I was going to point out, we've been attempting for sometime to do some revenue tracking and expenditure tracking through a research project to the Legislative Council, and one of the big problems they found is that there's...apparently no way to track lottery sales possibly beyond zip codes and, of course, school districts and regional districts cut zip codes up rather nicely, but I'm sure that's a technical thing that with a little money can be straightened out. Frankly, I don't have any problems and have supported legislation to put all of the lottery proceeds into the School Aid Fund and the School Aid Formula. My concern, quite frankly, is we're getting greedy. We've got a good thing going in the State Lottery but we're getting greedy, and that greed is going to bring the whole lottery system down on our ears. If we haven't got the guts to put more money into public education through the General Revenue Fund, well, then let's just admit it, but let's not destroy Illinois State Government's one major success story, and I know a lot of us are planning on the Governor to veto this bill, so we figure we can vote for this and cop out. Let me suggest to you that sometimes things we expect the Governor to veto, don't get vetoed. This, in fact, may actually happen if we let it get out of this Body. Let us not let greed get ahead of our common sense.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotheberg.

SENATOR GROTHEBERG:

Well, as a newlywedded cosponsor of this bill, I figure I'd better say something on behalf of it. I hope it turns out to be a pleasant marriage, Senator Savickas, but the facts of my career in Springfield are about to end and we have yet to solve the school funding program. I appreciate

the previous speaker with this group being a bit reluctant to pass taxes in election years in particular and to get the State in a posture where it could afford more than that forty-one percent that the memo was read. That happens to be the same amount that comes out of every other fund in the State of Illinois and it's forty-one percent funding. I would only hope and pray that as our colleagues in the House, should this have the good fortune to pass, review the situation that they would fine-tune it, if necessary, but leave the principle alone, that, yes, Senator Schaffer, that greed does not kill the goose that we've been talking about for two days and that some of the golden eggs will fall in separate baskets; one, namely, education. So that with the amendment that I placed on to let the Lottery Control Board itself intervene if this thing goes sour and intervene within six months, that I would think we would know shortly after those prices go up that things are bad and we have not increased the State revenues one nickel. I'm going to support the bill because it is one of the last trains in the station and it's kind of a fresh train and the conductors have blown the whistle. Let's take the roll call.

PRESIDING OFFICER: (SENATOR BROCE)

UPI is requesting leave to shoot still photographs. Is there leave? Leave is granted. Senator Etheredge and Geo-Karis, I've added your names to the...to the list. So, it's now Senators Marovitz, Hudson, Bloom, Jones, Geo-Karis and Etheredge. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, we've seen a lot of scare tactics about a...keep a lot of good legislation from passing. This is excellent legislation. I have a lot of confidence in the Director of the Lottery, Mike Jones. He's done wonders with a program that was floundering for a long time, and I'm quite

certain that he will do wonders with this program; but just in case there's a problem, we have a repealer in here that if the revenue goes down fifteen percent after six months, there's a repealer. So, we've got safeguards into this bill as well as saying to the people that we're going to provide in excess of two hundred million dollars new money for education and for school children across the State of Illinois. I don't call that greed. I call that putting your priorities in order, and one of the problems that people back home have been saying is, why don't you guys down there get your priorities in order. Well, how better can we get our priorities in order than saying, we're going to provide new money for the school children of the State of Illinois, if you want buy lottery tickets, that's great, but the money is going for education, and what's greedy about saying, who buys the tickets, that's who gets the money. What's wrong with that? There's nothing wrong with that, and the repealer is the safeguard. So, most importantly of all, we've taken a...a program that's working and guaranteed that if it...if it begins to have problems, that will end...that will end this surcharge, but during that interim, we will be providing two hundred million dollars minimum under the most conservative estimates by the lottery board of new dollars for school children in the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the House...that's Senate...excuse me. This bill has been debated, it is true. Going back a few years, I was one of those who originally and still do think that the lottery for the State of Illinois is a bad idea. Now I realize that that is not...that concept will not prevail. This may, in fact, be the last financing train leaving town for our schools, but

if it is, it's a sad state of affairs I think we're in in the State of Illinois, and it's a train I don't intend to get on. It alarms me just a little bit to feel, as Senator Schaffer pointed out, we have a good thing going here, apparently. We're realizing some money off the lottery, more than most of us ever thought it would produce, but that money is coming, in my opinion, and I have never bought a lottery ticket, but I think that money largely is coming from those who can least afford to pay, and it's coming as a result of an idea that I, too, can make it, I can get that brass...grab the brass ring, and the State of Illinois is a part of this, what I would call, almost a hokes on our public, but we're doing it. But it alarms me when I see greed entering into it, as Senator Schaffer has announced, and apparently our willingness to say, aha, we're making money and now we're going to raise the rate. We're going to charge those people more who can already ill afford to be buying these lottery tickets in hopes that they will become a millionaire when we know the cards are stacked against them, but we're going to take advantage of that and say, but we're going to use it for a good cause, our schools. I happen to think that this is something that maybe we should think about. Is this the right thing to do? Is it really moral or is it really ethical? I don't happen to believe it is, but it's something my colleagues force to think about, and I have every respect for the sponsor of this bill. Senator Savickas has...has my respect totally. He and I just might happen to disagree on the philosophy of this, but I would urge you to think about it and possibly think about voting No.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. This bill is a tax increase. I want you to know that, and, Senator

Savickas, as the only Republican who supported your bill in committee, I'm still with you on this. I believe with the amendments that have been offered that this does offer an opportunity to those of us who have urban school districts to perhaps assist them in a way that we've been unable to before; and some of the prior speakers have spoken, but the thrust of their comments is more against the lottery, and I don't think that that's...that's the issue right now. The issue is what is to be done with the proceeds, and the issue is to provide some funding for our schools because in the last few years since I've been in this body, when we go back to our districts our constituents say, wasn't the lottery money supposed to be earmarked for the schools? Now we have an opportunity to put a portion of those dollars into the Common School Fund; therefore, I see no reason why we can't all support this. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Channels 2 and 5 have...sought permission to film the proceedings and the Associated Press has sought leave to shoot still photographs. Is there leave? Leave is granted. All right, I have Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. I rise to support House Bill 1563. After listening to several of the speakers speak to the issue as it relates to education but they are...don't want to take this particular route. But there have been several proposals batted around this Chamber and the Capitol for the last...the last few weeks. Do you want to vote to extend the surtax on the income? That's an equitable way of doing it, but, no, you don't want to do that. Do you want to increase the property tax? You don't want to do that. This is a perfect vehicle for every school district across the State of Illinois. The money will go to the districts in an equitable fashion; if you buy the lottery

tickets, you get more money, but don't worry about the distributive formula in the School Aid Code because we know where the bulk of the money comes from. Don't worry about the poor people that may happen to play the lottery because they want to. I seen you take the dollars out of the Agriculture Premium Fund for every little county fair across this State, every little thing that goes on, but where do the money come from? You visit the race tracks in and around the City of Chicago and you see where it comes from, but when we ask for some of that money back, no, this is our money. So, we're giving you an opportunity in this bill to keep your money for your children. Now what is a more fair way of doing it? I'd like to vote today for the...extension of the surtax on income to help the schools throughout the State of Illinois. Every school in the State of Illinois is in dire need of...of financial assistance. If the schools outside the City of Chicago had a finance authority like we have in the City of Chicago demanding that they have a balanced budget, over sixty percent of those schools would not be able to open. You know it, so let's quit playing games with the school children in the State of Illinois. This is a good way to do it. Every district has an opportunity to keep the dollars for their kids, and if you're sincere about education, you'll vote Yes on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think this debate has gone on long enough, except we have to keep in mind that those of us whoever voted for a lottery bill, as Senator Grothberg and I did when we were first in the House, we did for the one that went...that put the proceeds in education, and I think it's high time that we help education with this type of a bill with the amendment on it

which does give twenty-five cents per ticket to education. I might remind everyone here that I don't know how the rest of you feel but I'm not about to vote for any increase or an extension of...of income tax; and I also would like to remind the school districts, we all have to tighten our belts, we all have to get rid of some of our waste and we all have to do the best we can with what we have, but we are giving you an additional amount of...money and I think this is the best way to do it. Those who want to play have to pay, but on the other hand, it's painless. It's worse...it's...it's not as bad, rather, as real estate tax raises and what have you. So, I'm certainly in favor of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, so I can bring you up to date and know when you will be speaking, the following Senators now have been added: Senators Etheredge, Netsch, Watson, Ferman, Collins and Coffey, and Vadalabene. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, after that list, I move the previous question.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Savickas. Senator Savickas, there's a question from Senator Etheredge.

SENATOR ETHEREDGE:

Senator Savickas, as I understand the bill as it...as it has been amended, there are some rather significant costs of administration that would be...that would go along with this program. Some of those costs as...as I understand it, would be borne by the lottery because they would...they're the ones that would have to...determine where each and every one of

these tickets were sold, and some of that burden would be borne by the educational service regions. Is...is that...or first of all, my question is that analysis correct; and then, secondly, could you give me some idea as to what that expense is going...going to be? And thirdly, where that money would come from? Would it come out of the twenty-five cents additional charge or would it come out of the...the current budgets for those various offices?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

I think, Senator Etheredge, that you're succumbing to what Senator Jones alluded to to scare tactics. We all know at the present time that the lottery board can, by counties, determine how much sales are on lottery tickets, by counties. Now in many of these educational service regions, there's anywhere from two to ten, twenty counties in them. All they do is...one man can sit down and say, well, here's ten counties, add them up and put it out. I don't know where the great administrative problem is in determining this. It probably takes someone twenty minutes to look at the list. The distribution by the...superintendent of the educational region knows how many children are in each district, he knows how much money he gets, I'm sure it would take his clerk or his secretary or...grade ten accountant or whatever he may have on the staff about another half hour to say, well, this money goes here, this money goes there. I...I thought that part of that problem was resolved when they consolidated those school districts out in those service regions. You know, this is a...a very easily administered surcharge. It is one that was structured this way so that it would...we can answer all those questions very simply, how many children do you have? This is how much money you will get. We talked about putting the money into a school fund, and we didn't

want to do that because that would then upset and call for certain complicated formulas, it would be awashed, then the money would be taken out of general revenue and the schools would remain the same. This goes directly by head count, by...to the enrollment that's out in the districts, how much money is purchased out in those areas and it's distributed. I think by one of the simplest formulas there is, ten children, ten dollars, a dollar per child.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge, had you concluded? All right, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I dare say that if we took a secret ballot among the members of the Senate today on this bill it would receive few votes, if any, on the merits of the bill itself. I don't think anyone who is about to vote for it and, obviously, a very substantial number are about to vote for it, including myself incidentally, I don't think very many would think it was on the merits a very good idea. We are left with a problem. The problem is that between the Chief Executive and the Legislative Branch, we are unwilling or unable, this year, to come up with enough money to assure that our schools, in our case in Chicago, will open or in the case of schools elsewhere in the State will not be severely cut back, and that is indeed a serious problem. I am sorry that we are not willing to face up to that question in any other form but we are not. The only thing that I think has got to be said and said over and over again is that if this becomes anything more than a temporary bridge to what I expect next year will be a major redoing of our entire school finance system, then we are indeed in very serious trouble. Not only is it, I think, not morally right to rely on the lottery as a major source of funding for public education, but it does not even make good fiscal sense. The lottery is

volatile. Maybe the twenty-five percent surcharge will not reduce it substantially. We won't know that until we try, but even if it does not, the lottery is volatile. It has already leveled down in the last three to four weeks from its high of a few months ago. That could...that drop could continue, it could get worse, it could go up, we simply do not know. It is a form of...it is gambling, it's not a form of gambling, it is gambling, and that is a very unpredictable sort of thing. We are foolish if we continue to turn to a device like the lottery to bail us out of the kinds of decisions that we are elected to make. To get us through to next year, perhaps it is our only device now, but if we let it go on beyond next year as a substitute for making decisions that are our decisions to make, then share on us.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eerman.

SENATOR EERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. There is no question in anybody's mind that when the lottery was passed we made certain commitments that...even though it wasn't earmarked, that it...the money was going to go for education. Let me give you a specific example and the bind that we all find ourselves in and why this is the best out for the bind that we are in. The increased revenues from the lottery this year...I'm sorry, for next year as opposed to this year is estimated at approximately thirty-three percent increase in the lottery. Under the Governor's budget, which we may be able to massage a little bit, but essentially the Governor's budget allocated an increase for schools of only two percent. Thirty-three percent increase in lottery funding, two percent increase for schools. That is not fair. Now our answer to our constituents is, well, we've got problems, I can't cut mental health, I don't want to cut corrections...

PRESIDING OFFICER: (SENATOR BRUCE)

Excuse me, Senator Berman. May we have some order, please. We have several staff conferences going on. If we can clear the aisles and take our conferences off the Floor, we can proceed in an orderly fashion. Senator Berman.

SENATOR EEFMAN:

...I can't cut public health, I can't cut mental health, I don't want to cut corrections, et cetera, et cetera, and that's the bind...legitimate bind that we all find ourselves in. Here is a legitimate out because what we are saying is, let the promises that we made when we passed the lottery bill come about through this back-door approach. We need these monies that the lottery is generating to what...to the extent of thirty-three percent increase for other needed State services, sobeit, but let our promises be partially kept by saying that this is another way to keep that promise that lottery money should go to education. It's the out that you, as elected officials, should take to partially keep the promises that we made. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Collins.

END OF REEL

REEL #5

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I did not intend to speak on the issue, but I would just like to echo what Senator Netsch has said. What she said made good sense and that is basically my feelings. This most certainly is not the way that I would like to see education being funded but it is one of the last options that we have. And...unfortunately, we cannot afford to allow the schools to be closed in the City of Chicago or any other place in this State due to a lack of funds. I heard someone indicate that this was a way to make up for what we did in terms of not allowing the monies to go to education as when we sold the lottery to the public that we said the money would be used for. I think that is a deception. It is morally wrong, and it is legally wrong. It is a sad commentary to go back to the people that you told that you were going to provide the lottery money for...for education, and say, now we will give the money to education if we can impose another charge on you to raise the tickets. That is unfair and I'd...I want the record to show that that is not why I'm voting for this legislation. I'm voting for it because it provides another option to assure funding of the schools, and I will be proposing two other options myself.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Geo-Karis arise?

SENATOR GEC-KARIS:

For the purpose of personal privilege to Senator Margaret Smith will take over, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Smith, for what purpose do you arise?

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm pleased to present to this august Body some visitors up in the gallery. Yesterday, Senator Donahue and myself were privileged to attend Murray College where the Illinois State Girls are...are in conference there this week and today they are visiting our Capitol. They have the president and their director and some of the girls here, and I'd like for them to stand and let us appreciate their presence.

PRESIDING OFFICER: (SENATOR BRUCE)

Will the girls...from Girl's State please rise and be recognized by the Senate. Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Coffey.

SENATOR COFFEY:

You know, I understand why this proposal is before us today because the funding of education, and I agree that education needs...additional dollars, but why is the money going to be distributed on the basis of where the tickets were sold or where the money came from when we don't do that with other funds that are available to us for education?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, partly because I drew the bill up and partly because we felt that we had to address a major problem in Chicago and Cook County. Not only Chicago but many of our school districts in Cook County are suffering a financial loss. And because out of Cook seventy-seven and a half percent of the lottery sales come right out of Cook, and I thought I'd be remiss if I didn't try to...solve our problems

locally and using a formula that would help downstate and outside of Cook County in the process. With this formula, outside of Cook County there will be over sixty...or about sixty million dollars at today's sales level that will be distributed to the local school districts. Sixty million dollars that they are not getting now. So, you're right, this formula is a little different, just like many of the pieces of legislation that we pass are different when it comes to Chicago or Cook County. So, in concept, it's no different than the actions we take here every day for whatever reasons.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Well, before asking the question, I was intending to sponsor the legislation, but if it's the...if...if it's going to be the wishes of this Body now, on this occasion, to make a decision that we're going to start funding in this case because the schools in the City of Chicago have some financial problems, that we're going to attempt to deal with it in a fashion that puts the money back where it came from, maybe that ought to be done in some other areas too. I've been one before that haven't...I have not taken that position to say the money should come from necessarily the areas in where the money is raised. If that happened in our school districts now there would be some schools that wouldn't receive any funding. And we have some poor areas of this State that has to have help in...in funding of their education because they don't have the tax base that some of the rest of us...do. So, you know, that...to me, maybe the vote should be a No vote on this on the basis of...of the argument that we ought to put it back where it came from. Maybe I'll just change my vote on this issue.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. I would like to have an affirmation of legislative intent on the part of the sponsor, so I would wish that he would respond to my question, if he would so choose.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis, you wish to answer...ask your question?

SENATOR DeANGELIS:

Well, I...I want to know if he'll accept my question?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, he won't know what it is...whether to accept it until you ask it, Senator.

SENATOR DeANGELIS:

Okay.

PRESIDING OFFICER: (SENATOR BRUCE)

All right.

SENATOR DeANGELIS:

It is the intent of this legislation to distribute the monies among the educational service region based on the average daily attendance within that region, by school, without any conditions of weighting or any other conditions that are used to ascertain attendance other than average daily attendance?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Senator, as I've stated in the last few days, the intent of this legislation was to distribute the monies by the known enrollment, by the known enrollment. The heads are counted and then the superintendent certifies to the amount of bodies that are in the school district and the money to be distributed by known enrollment.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator DeAngelis.

SENATOR SAVICKAS:

No...attached. Known enrollment, no strings attached.

PRESIDING OFFICER: (SENATOR EBUCE)

All right. Senator DeAngelis.

SENATOR DeANGELIS:

Well, that doesn't answer my question, but that is not what the amendment states either. It says, "As determined by the State Board of Education." Now the State Board of Education has some different ways of doing this. And you expressed in debate that it was head count, and all I'm asking is for the affirmation. This...I happen to be from Cook County, you have a superintendent of schools there by the name of Mr. Martwick, who I have some respect for but I also know that in an area as large as this with as much money coming in, I don't want any games played with that money if I, in fact, am going to vote for this bill. And all I'm asking you to answer, is it going to be done as the amendment states by the State Board of Education except that they use the formula of average daily attendance with no weighting or any other conditions beside that? That's all I want to know.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, obviously, whatever answer I give isn't acceptable. He asked for my intent on the legislation; the intent of the legislation, for the record again is that the monies be distributed by known enrollment, by the known head count, no strings attached, no weighted factors. I don't know how else to answer it, that is the intent of the way this bill was drafted. If it is in error, we will rectify it or try to rectify it. I don't think it's in error, I...issuing my intent.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Why, I think it's Senator Savickas' intention not to describe the legislative intent in the manner in which...didn't want to respond to the legislative intent in the way I asked the question.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Question of the sponsor if he'll yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Rock.

SENATOR ROCK:

Senator Savickas, what is...assuming sales at the current level, what is the estimated yield of this tax?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

The estimated yield at today's revenue would... would be two hundred and ten million dollars at the current...at the current level...at the current rate.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

And of the two hundred and ten million, my question directly is, how much will the Chicago Board of Education...how much are they estimated to receive?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

The best I can answer, probably between eighty to ninety million. There would be approximately a hundred an

eighty-seven, a hundred and eighty-eight million in that area, in Cook County. And...a hundred and sixty...I'm sorry, 162.8. So, when we talk about head count enrollment, it's about fifty-fifty with suburban Cook County compared to Chicago. So, I imagine it would be a close split.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eock.

SENATOR EOCK:

Well, I obviously rise in support of House Bill 1563 as amended and would point out to my colleagues, particularly on the other side of the aisle, who represent parts of Cook County that this truly is something they ought to be affirmative about and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, we've discussed morals, righteousness of using the lottery system for education, we've discussed the hidden vote, if...if we should vote for it, if we shouldn't. I agree with Senator Netsch and Senator Collins and many of the Senators that spoke that said they were concerned with this concept. But the problem is, there is no other viable option, nobody wants to go on the line and say this is the way it should be done, we must raise this tax or we must implement this tax or we must have this program. It's true this isn't the perfect...perfect form of funding education. We must look for a permanent, fiscally sound financial plan that will give our education system upstate and downstate a permanent funding solution. Nobody has come up with that. Nobody has gone out on the hook. If there are problems with this bill and there are concerns about the intent and how it's distributed by head count or weighted enrollment, I am sure that the Governor with his pen

can amend that bill and bring it down to what the intent of this legislator's wish was. There is no serious problem on administration. There is no serious problem on collection. There is no serious problem on distribution, only those that wish to make it a serious problem in their own mind and say that we do not wish to do anything for education this year, we want to wait till next year and maybe find a total solution. That's a lot of baloney and you and I know that. That our schools, the day that they do not open, whether it's in Chicago or in downstate Illinois, the day they don't open...September, the day there's not enough funds to keep them open, you and I will be here, you and I will be here trying to press each other to get a temporary tax solution to solve it temporarily and keep it going temporarily. If this is the wrong concept, let us then sit down and find the right concept, let's use this as the vehicle to force our Governor, our Legislature to sit down and find a permanent solution to what is a serious problem here in Illinois and that's our education system. Let's ask our Legislature and our Governor to take a chance on education and support the lottery bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas, had you concluded? The question is, on the passage of House Bill 1563. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 14, none voting Present. House Bill 1563 having received the required constitutional majority is declared passed. Senator Berman, for what purpose do you arise?

SENATOR BERMAN:

Thank you, Mr. President, on a point of personal privilege. In the back of the Chamber we have with us today the superintendent of the largest school district in the city...in the State of Illinois, Doctor Ruth Love of the City

of Chicago.

PRESIDING OFFICER: (SENATOR BRUCE)

Dr. Love, we're certainly happy to have you with us on the Senate today...Floor today. We are back on page 7 of your Calendar, House Bill 2560, Senator Netsch. 2560. 2574, is there...yeah, all right, why don't you...

SECRETARY:

House Bill 2574.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. This bill works and helps those school districts in the State of Illinois that have had a closing because of the State Fire Marshal or some school official determining that buildings in their school district are inadequate for the children and their safety and they cannot attend classes in those buildings any longer. For those of you who were here in 1973, Senator Harris Fawell and I introduced opposing pieces of legislation to start the School Construction Bond Act. And because of a fluke of fate, the majority was with the Republican Party, and because of that, my bill stayed in his committee and his bill came out of the Education Committee. But I've worked closely with this program since then. We authorized the issuance of bonds for two purposes. One, for new construction, and also for those school districts that...who had already issued bonds prior to the enactment of the School Construction Bond Act, we allowed them to have an interest subsidy so that we would pay off their bonds through interest and principal payments. We didn't know at that time in 1973 exactly how many school districts would be involved in the initial construction and how many would need assis-

tance in their...in the interest and principal payments on prior issued bonds. We now find that we have exhausted the money in the school construction bond portion of that but money still resides in the interest payment portion of that legislation. What this money is here is to take the remaining amount of money that is in that, seven...nine million dollars, and allow school districts who are operating under emergency conditions to utilize that and we put it in the school construction part of it and allow them access to it. The money has already been authorized, it is already there. It is...it was intended for interest payments, now this will be utilized for actual construction. I'd ask for your favorable vote.

PRESIDENT:

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. I'm going to support this legislation, Senator Bruce, supported it in committee. But I want the Body to know that I'm concerned about the precedence that we're setting here. These buildings are buildings that have been condemned by the regional superintendent and they need to be...put back in proper order. But what concerns me, I think, is this may tend to be an encouragement to some school buildings...some school buildings...to allow them to...to go out of condition with the help of getting some assistance someplace else. It's necessary for the school districts that are involved here and I support that concept, but it's a concern that I have, I think it's one this General Assembly needs to worry about.

PRESIDENT:

Further discussion? Any further discussion? If not, the...question is, shall House Bill 2574 pass. Those in favor will vote Aye. Those opposed will vote Nay. The

HB 2578
3rd reading

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 45 Ayes, 7 Nays, 2 voting Present. House Bill 2574 having received the required constitutional majority is declared passed. 2578, Senator Ferman. On the Order of House Bills 3rd Reading is House Bill 2578. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2578.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Ferman.

SENATOR FERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill deals with two situations involving what is called the family exclusion provision in your automobile insurance policies. In most policies written in Illinois there's a provision that excludes coverage when the person that's injured in the car when the car is driven by a member of the family, you cannot sue between the person that was injured and that driver who is a member of the family, it's called a family exclusion. Because of the passage a couple of years ago of the Contribution Statute and comparative negligence as espoused by the Illinois Supreme Court, we find ourselves in a situation that when you have an automobile insurance policy in force and you're a passenger or your wife is a passenger or a member of your family is a passenger, and you get involved in, for example, an intersection accident and the passenger which is a member of your family sues the other driver of the car, and the other driver has a counterclaim against you, as the driver of the car, because of comparative negligence your policy will not afford you either the defense or payment of the degree of responsibility that

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you have in...in that accident. Also, that precludes many times the right of the injured person to get...to be fully compensated. This bill eliminates the family exclusion in that limited situation. We debated it at great length in the Insurance Committee. We've...what it does is to...to correct what many of us feel is an...inequity where you...you have bought insurance coverage and then all of a sudden you find that you didn't have it because of the small print involving the family exclusion. I solicit your Aye vote.

PRESIDENT:

Any discussion? Senator Keats. If there is no discussion, the question is, shall House Bill 2578 pass. 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, 1 Nay, none voting Present. House Bill 2578 having received the required constitutional majority is declared passed. 2598, Senator Lechowicz. Senator Lechowicz.

SENATOR LECHOWICZ:

...thank you, Mr. President, Ladies and Gentlemen of the Senate. I ask leave to bring this bill back for a corrective amendment, have some intervening business, then move on to 3rd reading.

PRESIDENT:

You've heard the request. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading is House Bill 2598. Senator Lechowicz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2598. Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Lechowicz.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 4 clarifies and expands the word "hedge"...it means taking position in the futures market which is opposite and approximately equal to the one held in the cash market. This is an item that was missed in Amendment No. 1. This clarifies that portion of the bill and I move for its adoption.

PRESIDENT:

Senator Lechowicz moves the adoption of Amendment...Amendment No. 4 to House Bill 2598. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2600, Senator Berman. 2605, Senator Maitland. 2622, Senator Berman. 2658, Senator Carroll. Senator Lechowicz, are you going to handle that for Senator Carroll? Bottom of page 9. All right. On the Order of House Bills 3rd Reading, the bottom of page 9, is House Bill 2658. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2658.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Basically 2658 gives the director of Finan-

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cial...Financial Institutions the ability to inspect the vehicles served by ambulatory currency exchanges at his discretion. Based upon the cost factor, removes the mandatory once a year inspection and it gives the director the discretion as to when and how and how often he wishes to cause the inspection of these vehicles. That was the purpose of 2658. I have...know of no objections on this bill and I bring it for your consideration.

PRESIDENT:

The question is, shall House Bill 2658 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2658 having received the required constitutional majority is declared passed. Back on the bottom of page 7, on the Order of House Bills 3rd Reading is House Bill 2598. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2598.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Iechowicz.

SENATOR IECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the House. House Bill 2598, the purpose of this bill is to authorize the Illinois Housing Development Authority to make loans for the acquisition and construction, rehabilitation or improvement of housing related commercial facilities. Any commercial facility which are funded pursuant to this legislation are required to be in close proximity...of the housing developments for which they are associated. This bill is not intended to be a vehicle for commercial developers to obtain

favorable financing for commercial projects which are unrelated to the housing development. The bill is intended to promote joint development of commercial and residential housing projects. This would permit the authority to finance self-subsidizing projects in which a...population within a project that the commercial revenues generated by a project will subsidize low and moderate income residents of the project. IHDA has used mixed use concepts on a limited basis in the past and we believe more creative use of self-subsidization will stimulate the housing development. This is a bill that has had an awful lot of consideration. It's been amended, it's brought into consideration the...the respective requests of Senator Netsch, Johns and others as far as the importance of energy utilization within the concept. And I would hope that...if there are any questions, I'd be more than happy to answer them. It's a good bill, deserves your support.

PRESIDENT:

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in support of House Bill 2598. It has been the subject of a long period of negotiation primarily among the legal assistance groups and...excuse me...and others who represent the people who are intended to be the beneficiaries of most IHDA housing which is those in low and moderate income levels. It is certainly true and I would not in any way, shape or form want to represent that a number of the concerns that the legal assistance people and others raised have been fully answered here; that is, it...the bill, in fact, is a compromise. But it does, for the first time, try out a concept that we're a little bit nervous about but I think probably has to be given an opportunity to be tried and that is, as Senator Lechowicz indicated, the use of commercial facilities to help subsidize the

low and moderate units because there is no longer any very realistic Federal subsidy available. It may or may not work, it may put IHDA into a category of housing that is quite too much far apart from the low and moderate income people for whom it is intended to serve, but it's worth a try because we don't really have any other ball game in town, as our favorite expression goes these days. The one other thing I would like to point out is that it does, for the first time, make in statutory form a strong commitment on the part of IHDA to energy efficient housing. That is a recognition that the cost of utilities is so high these days that it's something that must become a factor in the overall determination of what is affordable housing for the intended beneficiaries of IHDA, that is an extremely important commitment and I think that alone makes the bill worth supporting in addition to its other experimental provisions.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. I want to apologize to the sponsor because I did not object when he asked to recall the bill and then put an amendment on it. I thought we did have a recall list we're going to be on, but like I say...

PRESIDENT:

We do...we do...we do have a recall list.

SENATOR DeANGELIS:

...Senator Lechowicz, I want to vote for this bill but I'm a little concerned with this amendment, I've just seen it right now, that we just passed on about three and a half minutes ago. Would you please explain that amendment again?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

I'd be more than happy to. Basically what they've done

is that the investments by the authority in financial future contracts, options and other similar instruments shall be for the sole purpose of performing hedges in order to reduce the risk associated with...fluctuations and interest rates or market price of investments made by the authority. Hedges means taking a position in the futures market which is opposite and approximately equal to the one held in the cash market. What they did, there was a question whether the authority should go into the futures market. Everybody agrees a futures market...they have no reason for going into futures, period. This definition severely restricts the authority as far as exactly how they can protect the fluctuations between the interest rates, and that's the definition of hedges, that was the purpose of the amendment. As to the amendment that was requested by the other side of the Rotunda, in order to...and it was also discussed in the Executive Committee, I thought it was Amendment No. 1. The definition of hedges was not included in Number 1. Amendment No. 4 clarifies, tightens it up, and provides a safeguard that was sought by both the authority and also the people with...with the staff people on both sides of the aisle.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, are you saying that in order to assure a certain rate of interest on a certain construction or building project which is to be made in the future, that they will, in fact, invest monies to hedge so as to protect the interest rate on that particular commercial...or development?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

It gives them the permission with the approval of the board and I think, and you know Mr. Van Meter much better

than I do, as the chairman of...that authority, he is very...a very frugal individual who wants to ensure that the protection for IHDA is in its best possible shape. It was under their direction...the authority's direction with the full approval of the board that this type of language was generated and put into the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I...I appreciate that...the use of the word "hedge" but hedges also have considerable risk. Is there any type of limitation on this at all? Is it only designed on any future commitment they've made for a particular project or can they do this in totality with all their monies that are available?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

So, it would have to be approved by the board on a project-by-project basis.

PRESIDENT:

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

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the House...Senate. I think 2598 makes clear IHDA's ability to do multi- and family loan-to-loan programs, variable demand note financings, taxable as well as tax exempt financing, mortgage passing programs and various insured debts issued. Basically what Senator Netsch pointed out to you is quite true. Under the present Federal administration, Section 8 financing does not exist, 202 financing is very critical, very difficult to accomplish. Under...the proposal under 2598, it's exactly what the Federal Government recommended to Congress and this State of Illinois is making a commitment of

trying commercial development tied in with housing. Hopefully, this concept not only will be adopted in Illinois but it will be adopted nationally because it's an...an area that really has a very good chance of fulfillment of two important, critical agendas, housing and employment. If you have the commercial aspect, and the strip shopping center or a commercially viable plan tied in with housing, they complement one another. And it is for this purpose IBDA is seeking this type of legislation, granting them with the approval of the authority to go in and offer this type of financing available to projects in Illinois. I think it's a good concept. I'm sure with the safeguards that are provided in 2598 we won't have any difficulty in promoting both commercial development and housing development in Illinois. And I think this bill merits your support.

PRESIDENT:

The question is, shall House Bill 2598 pass. 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, 1 Nay, 1 voting Present. House Bill 2598 having received the required constitutional majority is declared passed. Top of page 10, on the Order of House Bills 3rd Reading, 2666, Senator Elcom. 2678, Senator Savickas. On the Order of House Bills 3rd Reading, top of page 10, is House Bill 2678. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2678.

(Secretary begins reading title of bill)

PRESIDENT:

All right, hold it...hold it...hold it. Take it out of the record. Thank you. 2692, Senator Bigney. On the Order of House Bills 3rd Reading is House Bill 2692. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2692.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bigney.

SENATOR BIGNEY:

Mr. President, this is a land conveyance bill. Started out as one to convey approximately three-tenths of an acre of land in the community of Oregon, Illinois to a church located there. In addition to that, you may recall yesterday, we added two amendments onto that bill, one to add about five acres to a cemetery association in Kendall County and one at the request of Senator Joyce to lease a dam in Kankakee to the city for power purposes. All of these transfers have been reviewed by the Department of Conservation and do have their approval.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2692 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2692 having received the required constitutional majority is declared passed. 2706, Senator Joyce. Okay. 2710, Senator Savickas. On the Order of House Bills 3rd Reading, the middle of page 10, is House Bill 2710. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2710.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

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3rd Reading

SENATOR SAVICKAS:

Yes, this I understand is a...an annual thing that we do. It's the...validating appropriations and tax levy ordinances for Cook County and the Cook County Forest Preserve District to validate the appropriations and tax levy ordinances for 1982. I would appreciate the favorable support.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2710 pass. 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 54 Ayes, no Nays, none voting Present. House Bill 2710 having received the required constitutional majority is declared passed. 2714, Senator Smith. 2732, Senator Lemke. On the Order of House Bills 3rd Reading is House Bill 2732. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2732.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this bill does is it amends the Civic Center Act, sets up the civic centers in DuPage County, Sterling, Elgin, Orland Park, Centre East, Schaumburg, Quad-city, Collinsville, Pekin and amends the existing Statutes for Springfield, Rockford, Aurora, Peoria, Decatur, Danville, Waukegan-Will, Bloomington, Illinois-Michigan, Mt. Vernon-Herrin and Quincy. It also raises the bond authority, it also changes the name of the Mt. Vernon Civic Center to the Jefferson County. I think it's a good bill. I ask for its adoption.

PRESIDENT:

Any discussion? Senator Sommer.

SENATOR SOMMER:

Senator Walsh wants to know whether the River Forest Civic Center is in this one.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

That was...that was a big argument we had, we took it out of that and we only put the Mt. Vernon in.

PRESIDENT:

Further...Senator Sommer.

SENATOR SOMMER:

Senator Lemke, are there any that are not in here? Does any town in the State like to get one? I don't think we want one in...in my home town, but are there any more going to be on? And, secondarily, this kind of let's the cat out of the bag. We increased the bonding authority in this one to pay for the Mt. Vernon project and some of these others. This...this money apparently comes from, what, the Agricultural Premium Fund?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I think fifty percent of it comes from Senator Becker's and my district, Hawthorne and Sportsman.

PRESIDENT:

Senator Sommer.

SENATOR SOMMER:

Well, if the money to pay the bonds comes the Agricultural Premium Fund, that money from the Agricultural Premium Fund is transferable into the General Revenue Fund, so it's general revenue you're spending on these things. We are very concerned about other things and now we're building civic

centers. There is a genuinely good argument to be made for civic centers in convention communities where Rockford and Springfield and maybe Peoria and Decatur wish...wish to attract conventions and they've done a fairly decent job at that, but some of the smaller communities, is...is their genuinely a need? I doubt it.

PRESIDENT:

Further discussion? Senator Keats.

SENATOR KEATS:

I'm trying to read, it says the Rosemont Horizon, which is a privately owned thing. I...I...it seems to me we cleared that up, I'm just asking before I vote No to know maybe is it not as bad as it looks?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

That was a misnomer, that...that is not the Rosemont Horizon, the...that is the...O'Hare...O'Hare Expo. Center that Senator...Zito put in.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Lemke, you would...I beg your pardon, Senator Keats.

SENATOR KEATS:

I appreciate that clarification, I admit this...that simply makes a really miserable bill into just a terrible bill. Thank you.

PRESIDENT:

Senator Lemke may close.

SENATOR LEMKE:

This doesn't include Rosemont. I think it's a good bill. I think it's a...a theory that if we are going to have civic centers, that the authority should be granted to most people and everybody should have a civic center if they wish. And I ask for its adoption.

PRESIDENT:

The question is, shall House Bill 2732 pass. 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 39 Ayes, 13 Nays, none voting Present. House Bill 2732 having received the required constitutional majority is declared passed. 2736, Senator Savickas. On the Order of House Bills 3rd Reading, the bottom of page 10, is House Bill 2736. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2736.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, fellow colleagues, House Bill 2736 deals with the Chicago Regional Port District Act. It does four things really. One, it...removes the minimum size requirements for the Senator Daniel Dougherty Harbor and Basin, removes the provision prohibiting the port district from operating its warehouses and elevators for more than sixty days without seeking bids for private operation. It extends the jurisdiction of the port district as a foreign trade zone license holder to...encompass the area in the Chicago customs district, and changes the title of the general manager to executive director. It's been asked for and introduced at the request of the port district authority and I would ask your favorable support.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2736 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open.

All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2736 having received the required constitutional majority is declared passed. 2740, Senator Lemke. On the Order of House Bills 3rd Reading, top of page 11, is House Bill 2740. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2740.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

This bill is a...amends the County Home Act. The county board may sell, dispose or lease of county homes...built after referendum. It also sets up a...special service area in Senator Holmberg's district. It also takes care of a problem in Senator Philip's district and a problem in Senator Davidson's district that they amended on this. I think it's a good bill. I ask for its adoption.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2740 pass. 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 54 Ayes, no Nays, none voting Present. House Bill 2740 having received the required constitutional majority is declared passed. 2787, Senator Vadalabene. Does this make it an even dozen, Sam? On the Order of House Bills 3rd Reading is House Bill 2787. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2787.

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3rd Reading

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 2787 amended...states exactly just like the Digest, it creates the State Migratory Waterfowl Stamp Fund in the State Treasury and provides that all fees collected from the sale of migratory waterfowl stamps shall...be deposited in the fund. Also, the amendment to House Bill 2787 requires that all interest accruing from the monies deposited in the Wildlife and Fish Fund, the Salmon Fund and the State Migratory Waterfowl Stamp Fund to be deposited in those respective funds. And I would appreciate a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 2787 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2787 having received the required constitutional majority is declared passed. 2800, Senator Chew. On the Order of House Bills 3rd Reading is House Bill 2800. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2800.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. House Bill 2800, as we all know, is the seat belt bill. I don't propose to have all of

the answers to many of the questions that you may have. I...know that this is a safety measure. I've heard statements pertaining to government intrusion, but government is intruding as long as you don't want them, but when they intrude on your behalf, government is the best entity known to mankind. We tend to oppose anything that has any enforcement powers that's not left to us voluntarily. There are many stacks of materials that we have from people and organizations not only in the State of Illinois but throughout the nation. I hold in my hand an official count of the states that have recently introduced this same legislation. This does not include school busses as some of you have so actively acclaimed. This is for automobile passengers that are passengers in the front seat of that automobile. The state of New York, according to the latest report I have, as of today, is passing a mandatory seat belt law with a fifty dollar fine. In our committee hearing we were...Mrs. Geokaris, I would appreciate your not lobbying against this bill, especially while I'm talking about it. I understand that you're not going to vote for it, but please, for my sake, give that privilege to others on their own. In committee hearing the Attorney General of this State was aboard not necessarily for this bill but we questioned him on another bill but he volunteered to say that he was in support of the seat belt law. We had asked for an opinion ascertaining whether this was constitutional or whether it would be thrown out of court. The latest report I have, and I've worked with Senator Coffey and Mr. Rupp, is that the laws we enact is subject to interpretation by the courts, and to issue a prior constitutional opinion would not be in keeping with his office or interference with what the courts might eventually do.

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END OF REEL

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SENATOR CHEW:

(Machine cutoff)...nobody knows whether it's constitutional or otherwise, but I will assure you that every country in Europe, east and west, have in fact a seat belt law. Virtually, every newspaper in the State of Illinois has editorialized in favor of this law. Many of you had questions as to whether your newspaper was supportive of 2800. We have attempted to contact newspapers that cover virtually every Senate district in the State and we have some editorials, we have some support articles and those that have not come out in favor of it are doing so today, tomorrow, Saturday and Sunday, maybe and Monday. There's a beautiful article in the Chicago Sun Times on June 17th. It says, "Time to buckle up or else may be near on State roads." Now we all have a right to oppose or approve whatever we want to, but whatever is necessary for you to decide whether you're going to support this law or whether or not, I hope it has come to pass. The prediction of the lifesaving by the use of seat belts is astronomical. If we fail to start a source of protecting our passengers on these highways, the cost of a new automobile will escalate from six hundred to one thousand dollars because we're going to be forced to have air bags. Let me hasten to add that air bag is only a partial protector in the event of a front-end collision. If you are hit from the rear or either side, the air bag does not play a safety role because it does not in fact inflate. The wearing of a seat belt is safe, period. Whether you are impact from right, left, rear or front, the seat belt is a safety measure installed on automobiles for that purpose only. Sometimes we look at them and decide that they are play toys or maybe something to slap the baby with. But if you have witnessed some of these accidents, as I have, you'd get serious to know that a seat belt is installed in an automobile for the pur-

pose of giving the driver and passengers additional measures of safety. It is not something as a toy. If it saves one life, ladies and gentlemen, I think it's worth it. Now we've talked to law enforcement in Chicago and the State. They do not intend to harass motorists with this law and certainly we don't intend to permit them to do it. But we do want to help you save yourself. Now we're all adults here and certainly nobody is bound by anything, but let me ask you to do this. I have chaired a committee in this Senate for a long time, Transportation. Everybody who has come before my committee I feel have been treated as they should have been, and everybody here, from time to time, I have given you my support on projects that I knew absolutely nothing about but because of you, as a colleague, I have supported your programs. I'm asking you, as my colleagues, to support this program. I would like for you to monitor this program in the event we are successful, and if you find any misuse of police powers, then we would like to know about them so we can attempt to correct them. And I would also like for you, in your own way, to permit us to know if you witness in the future accidents that could have been fatal if you were not wearing them. I'm not going to go through all of the measures that I have, but I will assure you, ladies and gentlemen, I have many, many, many letters, statements, newspaper articles, foreign correspondence, everything, you name it, we have it pertaining to the seat belt law. And just think, since 1969 some countries in Europe and elsewhere have had a seat belt law. I have offered you my plea, I have gone into areas that you may have some questions on. If I have answers, I'm going to give them to you, and if I don't, I cannot. But I would ask you, ladies and gentlemen, that is my case. I stand with it. I ask your cooperation and let us do something to prevent the slaughter that's going on our highways in the State of Illinois. I will attempt to answer

any questions you have, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Let me, first of all, give you a count on the speakers and the orders that their lights appeared on the board. Starting with Senator Kelly, Darrow, Coffey, Luft, Kustra, Schaffer, Netsch, Macdonald, Philip, Marovitz, Geo-Karis, Schuneman and whoever else may light up before this list is finished. Senator Kelly.

SENATOR KELLY:

Thank you...

PRESIDING OFFICER: (SENATOR SAVICKAS)

The timer is on.

SENATOR KELLY:

...thank you, Mr. President and members of the Senate. I've received numerous telephone calls, like you, and letters in great opposition to this bill. Probably, I've been successful in the political arena because I usually follow the wishes of my constituency, but this is one time when I do not intend to do this because I can clearly see the lives that we can save by passing this legislation. There's more people killed on the highways each year than there were in the entire Vietnam War, and I can't, for the life of me, understand why more people are not actively trying to do something about this problem. Now, if we pass this, we can possibly reduce that accident rate to maybe forty or fifty percent, which would be a monumental accomplishment in my opinion. I would just probably ask you today to be a more of a statesperson than looking at the political implications, and I am very proud to support Senator Chew.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. I was in the Transportation Committee when this bill was considered and the number of

problems developed at that time. And let me start by saying, I voted for this legislation in committee, and after I got home, I found out that that was not what my constituents desired, and so after further study and listening to my constituents, I've changed my mind on the bill and I want to point out a couple of problems. First of all, you're responsible for the people in the front seat of that car. If the driver is driving and you have a passenger and the passenger does not have a seat belt on, who gets the ticket, the operator or the motor vehicle? So you will get a ticket for that. Secondly, how are you going to determine whether you have seat belt on? The question came up and initially it was stated that the police would not give you a ticket for not having a seat belt unless it was incidental to another arrest. That, however, was not in the legislation, it is not...they are not bound by that, and if we considered Senator Jones' legislation about quotas, we all know that police departments have to fill quotas. What's the easiest way to fill a quota? Pick someone up for not having a seat belt on, pure harassment. Well, if we look at who would be for this and who would be against it, if you are...philosophically conservative, you will not want government intruding into the private lives of individuals. If you're philosophically liberal, you will be opposed to this bill. The ACLU has taking a stand against it. But who would be for this? I'll tell you, GM, Chrysler have lobbied on this issue. They don't want to go to air bags, and yet, Senator Chew speaks to us and he says air bags are not the answer and they're not. You will not only have to have air bags, but you will also have a seat belt rule that says you have to have your seat belt and it has to be on. Now if the GM and Chrysler are really interested and really concerned, all they have to do is go back to the old type bumpers they used to have. Some of you may remember them with the springs, a good

bumper will prevent a lot of damage, but they don't even give us a bumper. I tell you, let's not intrude. Let's not have government intruding into the lives of our constituents. Let's keep government off our backs, off our constituents' backs. Let's not allow them to be wrapped up in more government regulation. I solicit a No vote. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. May 29th, we had a hearing in Transportation Committee and my good friend and my chairman of that committee, Senator Chew, so ably chairs that committee, but at that time, after testimony in that committee and requesting of the Attorney General, which was present at...at that time, of his opinion whether he felt in his opinion that this particular piece of legislation would be constitutional on the basis that a few short months ago that the helmet law was found by this...United States Supreme Court to be unconstitutional, and that request was made and the Attorney General himself said that he would...before this bill moved off of 3rd reading that he would have that opinion. We did send a letter making that...request to the Attorney General on June the 11th; only yesterday we asked the Attorney General if that opinion...or his office if that opinion had come about and he said either today or tomorrow, but as of right now we have not received that. And we're about to say that we have to pass a mandatory seat belt because we're going to be forced to have air bags, and we are going to...if we address this problem here in Illinois, it looks to me that we'll be the first State of the fifty states to have a mandatory seat belt law. I think we have plenty of time to address this problem. I think the constitutionality of this thing is in question. I think we ought to oppose it on the basis that,

you know, we can say, if we want to, that we're trying to save lives, but maybe we could ban automobiles and ban alcohol and all these other things that maybe we could do to save lives. But there's some things that we have to do for ourselves. We passed the restraint legislation here a few months ago and...saying we have to protect our children because they can't do or think for themselves, but I think we are saying in this legislation that the citizens of our district and of this State is not responsible enough to make a decision based upon the facts given to them whether it, in fact, is to their best interest to have that seat belt fastened. I'm not against...the use of seat belts, but I am against the mandatory seat belt legislation which means a lot of things, that we're going to deprive them of their rights, we're going to be harassing them. There's going to be a lot of question whether the seat belts was fastened and our constituency, at least in my district, is very much opposed to this...in this legislation at this time. If we think that they...because of one state passing this bill, that they're not going to put air bags in the automobiles in Illinois and they are going to put air bags in the other forty-nine states, we're certainly mistaken. The other states haven't taken a move, we can leave this bill right where it is and we have another...we come back in in January, February and address this issue. So let's vote No on a bill that's taking the rights away from the people of this State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. A point of personal privilege. I just wanted to introduced to the Senate today, in the south gallery, we have a distinguished visitor, Bruce Farley is here with us and I just wanted to...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Will Representative Bruce Farley stand up and be recognized. Obviously, he has some interest in some legislation. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd like to begin by saying I do use my seat belt. I use it all the time, but I am in strong opposition to this bill. And I only rise because there may be a few of us rare birds or a few rare birds around here that have yet to make their minds up on this. But I would like for you, if you were not in committee, to listen very carefully. If I remember correctly, the gentleman representing the State police said they would not enforce this if it was passed. So we would be passing something that no one would enforce, except, he said, if they picked you up for speeding or some other major offense, and then they would give you a secondary ticket which would probably be plea bargained away at a later date. Thirdly, I asked the man, since the legislation calls for the driver and the other person in the front seat to be buckled up, if I was pulled over as the driver, my passenger was not buckled, who would you give the ticket to and they didn't know. But there's also...some problems I think with this bill that could really...and I'm not a lawyer, that could really reek with some major possible legal problems. This bill says that if anyone is sixteen years or younger or over six years old, the driver is definitely responsible. It says "shall" be responsible for having them buckled up. Hypothetically, I am sitting at a stop sign, I have a fifteen year child in my car, a drunk comes down the road a hundred miles an hour, crashes into my car killing that child, who is responsible, the drunk or me, for not having him buckled up? There are so many major problems with this bill that I can't honestly to God even believe...considering it, and what is really more ironic is just Tuesday, of this week, if you read the paper or

listened to the radio stations, the...American Medical Association has gone on record to ask Congress for a mandatory air bag bill because all the surveys, now remember this is just Tuesday, all the surveys they have taken shows that no matter what bill you pass, the people are not going to buckle up. So, you know as well as I do, that I think if you did a psychological profile on the people of the State of this...Illinois, if you tell them they have to do something, they're are not going to do it. But if you have air bags that cost a few hundred dollars extra, I'm sure that they would spend the money to save their lives. I would really, seriously urge and I hope, for those of you that haven't made up your mind, that you'll really vote thing this down big.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I sponsored...cosponsored last year the child restraint law, and I felt strongly that for those of our citizens who weren't capable of making a decision...a decision themselves on whether they wanted to use a...a seat belt, we perhaps should do that for them. I recognized the problem with that law. I realized that it, too, could be unenforceable, as this one could be unenforceable; but today, I'm confronted with a bill which deals with adults, those of us who can make up for our own minds how safe we want to be in an automobile. It's for that reason that I stand up and agree with just about everything that Senator Luft just said, but also to point out to you, based on some research I've done, I really don't think that this issue has been presented to us in the black versus white fashion that has been delivered by too many people who have come to us to ask us to support it. And there they are right over there. The...the...yeah, that's right, I'm on a roll...and what I mean by that is that it

seems as though we're confronted with a decision you have to go with mandatory seat belt law or you're going to wind up with an air bag. And I'm not so sure I buy that right now. First of all, I think we have to talk a little bit about the art of buckling up. What is it? What's the problem about buckling up? Why is it people don't use them? I wish I could say I used them as often as Senator Luft does, but I guess I'm one of those people that uses them on the long trips and too often on the short trips, you say, well, it's a short trip, I'll forget it and hope nothing is going to happen to me, and we all know that that's when most accidents occur. So, the problem then is to devise a system that will require people to wear them on the short trips. There is an alternative, you don't have to go with an air bag to do that. There is an alternative and it is in use right now and it's called a passive restraint system or an automatic seat belt. It's installed in VWs at this time. As a matter of fact, as to the effectiveness of that passive restraint system, the...Insurance Institute for Highway Safety says, "Volkswagon Rabbits equipped with automatic seat belts have a fourteen percent lower overall insurance claim frequency for occupant injuries than comparable Rabbits equipped with manual belt systems." It's automatic. You get into the car, the thing is...is hooked to the door and as you close the door you're automatically strapped in your car. It's less expensive than the air bag. I would venture to say, and, Senator Chew, you can correct me if I'm wrong, a hundred and fifty to...to two hundred dollars is what it would add to the cost of the vehicle. So the question is, why isn't this on the debate. Why isn't this somewhere on the agenda? I'll tell you why it's not on the agenda. It's not on the agenda because automobile manufacturers don't want to add a dime, not one dime to the cost of the unit. That's where I guess I just have to seriously disagree with every automobile manu-

facturer in this country anyway that's taken that position. I got into a car the other day that talked to me. It...the guy comes across the...the loud speaker, he says, "Your washer fluid is low, your headlights are on, your electrical system is malfunctioning." If they can build a car that talks to me, then by God they can build a car that puts a passive restraint system in there. There seems to be a lot of confusion in Washington right now as to why we don't have a passive restraint system required. Where's the Secretary of Transportation on this? Why don't we have some strong statement from her? Well, again, let me refer you to the Insurance Institute for Highway Safety.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR KUSTRA:

I'll...I'll conclude quickly. "Dole issues and other notice seeking data on automatic restraints. On May 14th, in the supplemental notice to the Federal Register, Secretary Dole asked for more information on the automatic restraint system." I think it's time we send Secretary Dole our thoughts on air bags, on mandatory seat belts and on the passive restraint system. I think we've been hoodwinked, ladies and gentlemen, I think we've been duped. I think we've been led to believe that this is an either or situation and I don't believe right now that it is. I believe we can take the heat off of ourselves and our constituents on this issue by...by sending...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator,...your time has run out...let him finish.

SENATOR KUSTRA:

...by sending a message to Washington that there is an alternative. I prepared a resolution, and the resolution simply...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Oh, Senator, your time has run out; now, let's call it halt to it. Our next speaker is Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

I...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yeah...you know, the debate is not going to change one vote. If you don't know how you're going to vote on this by now, you never will, but everybody wants to say their piece but let's at least move the previous question so we cut it off somewhere.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Previous question has been moved...those in favor indicate by saying Aye. Those opposed. For the record, those that are on the board before the question was moved are Senator Macdonald, Senator Marovitz, Senator Geg-Karis, Senator Schuneman, Senator Davidson, Senator Lechcwick, Senator Philip, Senator Bock and Senator Netsch to close in place of Senator Chew. Senator Schaffer.

SENATOR SCHAFFER:

Well, Senator Kustra, my car doesn't talk to me but my constituents do, and...let me tell you, if there's one issue that they made clear to me and I...mean through personal contact and through a public opinion poll, this is it. The people of this State don't want the heavy hand of government on their backs with this bill. I'm just finishing a poll in my district and through the use of computers we're able to...filter out Republican, Democrat, independent, liberal, moderate, conservative and the interesting thing on this question, and...this is the question was exactly on this bill, is that's the one question that every segment agreed. It didn't matter whether you were a liberal, a moderate,

Democrat or Republican, they were all against it three to one. The people of the bill...the State do not want this bill. I don't think it's going to pass, I sure hope not. I don't know why a Democrat wants to let the Reagan Administration off the hook, I would think you would be sitting over there gleefully laughing at Ronnie Reagan forcing air bags and seat belts and stuff on people, because it flies in the face of everything he supposedly believes in and I think he does believe in it. And I can't imagine why a Republican would vote for it, but occasionally around here we do the right thing for the wrong reason. My concern is we might do the wrong thing for the wrong reason. We might pass this bill because we think somehow it's going to save...ourselves from air bags. Well, that's goofy. If, in fact, Washington wants to do something stupid, let Washington do something stupid, let's not us do something stupid to take them off of the hook. Let's do what's right, let's kill this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. Speaker. Much has been said by the previous speakers. I have no interest in what the automobile...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Macdonald, you aren't in the House now. The Chair is addressed as the President.

SENATOR MACDONALD:

...I'm sorry...but I...I have no interest in what the manufacturers of this country want or don't want. My interest is in saving lives, and I think that the statistics are irrefutable. I think that since the enactment of the Child Passenger Safety Act in 1983, Illinois has seen a sixty-three percent reduction in infant death and child car deaths. When we look at other countries, many of which I have traveled in, there's a study by the Swedish car manufacturer, Volvo, and

that indicated that twenty-eight thousand accidents in Sweden in...in '79 with no fatalities occurring and involved...that involved...safety belt users until crash speeds of sixty miles an hour or greater were attained. In Ontario, Canada, they have a safety belt law and they have had it since 1976, a review of deaths and injuries in the first six months revealed a seventeen percent decrease in deaths and a fifteen...percent decrease in injuries. I think that there is no doubt that this bill will do the same thing that our infant restraint bills did, and as one who has had many friends and members of my family who have been killed in automobile accidents, I am very much interested in seeing that this belt...that this bill is passed and it is for saving lives, not for any manufacturers of automobiles in this country.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President, I've...a couple questions of the sponsor, if he'll yield. I'm not sure I can locate him. He's...

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAROVITZ:

Thank you, Charlie. Could...and if this has been covered, please excuse me. Could somebody be stopped just because they did not have their seat belt on; in other words, could that be the sole reason for somebody being stopped and...and cited?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Senator, law enforcement can stop a motorist for anything they can dream of...just a moment now, let me answer the

question my way. Just...just...just be cool until you get your answer; if you don't like it, that's different. It's the kind of answer I want to give; you'd like to not hear it, then don't ask the question. But let me tell you this, when you say can they stop you? You know very well, not only are you a lawyer but you're brilliant. You know very well law enforcement can halt an automobile anytime it wants to and it does not really have to have a cause. So the answer to it, yes, they can stop you. But your real question is, are they permitted to give a citation for not complying with the law?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Second question. If they are stopped for another violation, and the passenger in the car is not wearing a seat belt, can the driver of that vehicle be given a citation if the passenger is not wearing a seat belt?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

No, sir. That citation would go to the passenger who has not complied with the law.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Can you tell me where in the bill it says that? Can you tell me where in the bill it says that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

It does not say that but it is a violation of a law by an individual, Senator. It does not hold the driver responsible; for instance, if you are operating an automobile, that means you are the operator. If you're not complying, you can

be given a citation. It's just like the jaywalking law. If there are three people walking and two will use a...a walkway against the traffic light, whoever violates the law would be subject to the...the citation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz, your time is running out.

SENATOR MAROVITZ:

Well, I...I...I beg to differ with the you, I'm not certain, I don't know that anybody is certain that you are correct that the driver is not capable of being given a citation for a passenger not wearing his seat belt, and I seriously doubt whether the passenger would get a citation under that situation. That...I understand that...that issue came up in committee and that the answer was unresolved and nobody was able to give a definitive answer, and as an attorney, I really don't think that you're...you're accurate. I...I'm not saying that you...you're giving any false information, 'cause I don't think anybody really knows, I think that's a question that is nebulous at this point and really should be cleared up in the legislation by amendment or however.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis. That was a statement, Senator, not a question. Senator Geo-Karis.

SENATOR GEG-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I cannot understand how that bill ever got out of Rules. Number one...let me you give three examples about your famous seat belts. I had a client who was strapped in a seat belt in a big Lincoln, her grandson was driving the car, they were sideswiped. Thanks to that seat belt, she had her pelvis...broken in five places and was unconscious for two weeks. Now, let me give you another example, there's a gentleman right here in this House, and I'm not going to mention his name, who was...he's a lobbyist, as matter of fact,

he was in an automobile which had a defective gas tank, it exploded, he was burned three-quarters of his body. He himself told me if he had the seat belt on he would have been burned to death. I have a letter here in my possession and I shall read to you. "Dear Rep, for safety reasons I don't want to be forced to wear seat belts. My grandson, Nathan, would have been crushed to death if he had been wearing a seat belt. It is...it is a trap device that condemns you. My sister-in-law, a nurse, in Orlando, Florida says you cannot imagine the number of injuries caused by seat belts. She works in the emergency room, she hates seat belts, she sees what damages they do. Let the lawmakers take care of child abusers and let us protect ourselves in our cars. Sincerely, Ellis E. Harder from East Peoria, Illinois." Let me point out something to you, ladies and gentlemen. I voted for the seat belt situation...rather, the little...car seat...for the youngsters. But I certainly feel that we're invading our...the...our grown-up privacy as one of the...one of the...private...prior speakers said. Why do I have to be told to wear my seat belt? So I stop, I'm driving alone as a woman in the car and stopped at a stop sign; some policeman looks at me and says, you haven't got your seat belt on therefore I am giving you a ticket, and I'm going to be made a criminal, because I have to pay a twenty-five dollar fine. Are we going to make our constituents criminals? I don't want to do that. What about the fact that the helmets have been declared unconstitutional for...the...motorcycle drivers? I still think we're in the same boat here. And when you talk about surveys, let me tell you, one of the representatives of one of the big motor companies came to me and admitted to me that the reason they're for this bill is they don't want to be bothered with air bags and they told me they're expensive. Well, let me tell you something else, they can tailor those costs. They want to make it sound so bad so

that we will buy their...their...buy their porridge, so to say. Now, let me say something else, ladies and gentlemen, when they put their high-priced lobbyist here and get the bills like these out and then...influence the public and say, oh, these are good bills to save you, I don't want them saving me, I want God to save me and my good conscience and...and my good sense, and I think we're going too far; and I can imagine for the women, how many women can be stop who are driving alone by some police officer that have nothing else to do but just to see what they're like and then say, ha, you're arrested. Ladies and gentlemen, you haven't seen the surveys to the contrary. The surveys, they say, maybe these aren't the...best thing for us. I do believe the air bags are better and I say, let's kill this bill because it sure isn't a bill that I can go back and be proud of to my constituents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The proponents of this bill seem to be strangely silent, I'm not sure where all the support is coming from. I don't hear much out of them. I'm sure we will in a few minutes. I think if we pass this bill, the people of Illinois are really going to be mad, really mad. The only thing I think will make them any madder, is if the Federal Congress is stupid enough to pass legislation mandating air bags. I think that will really get the attention of the people of Illinois. A lot of good...a lot of good points have been made on this bill; I, for one, believe in seat belts. I happen to think that statistically it's the right thing for me to do. I went out and bought seat belts before Ralph Nader forced me to do it, but I'm not about to force everybody else to believe the way I do and to fine them if they don't agree with my own thinking on it. There's one

other point that hasn't been made on this bill. There's kind of a cute little feature on page 2, Section C, all the proponents are telling us how negligent we would be if we fail to buckle up, but there's a provision in here that says, "Failure to wear a seat...a seat safety belt in violation of this law shall not be considered evidence of negligence and shall not limit the right to recover or diminish any recovery for damages arising out of the ownership, maintenance or operation of a motor vehicle." The trial lawyers don't want to have that in there. Interesting, that they want to make us buckle up and tell us how negligent we'd be if we didn't buckle up, but it's not evidence of negligent if you fail to do it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Well, this is one of the proponents you were asking about, Senator. Now, you've all talked about a lot of reasons. I remember very well last year when I was kind of a lone voice in the wilderness in relation to the child restraint bill, was corrected in the errors of my ways. The statistics that's been proving to you by law enforcement in relation to the reduction of percentages of fatalities in children under six got to give you some attention to what it would be for adults. Now, a couple of previous speakers talked about someone would have died if they had their safety belt on. Let's talk about those who would be alive...be alive if they had a safety belt on. Now you may not agree with this statement, but if it hadn't been for a safety belt which I had on, I wouldn't have the opportunity to be here on the Floor of this Senate, because in 1958 when I was hit in a very freak head-on accident...and you ought to try this on for size, meet a wrecker towing a pickup truck and it breaks loose, and you have a truck coming down a highway at you

head-on with no driver in it, you'll think you've met your Maker. I'm alive because that safety belt kept my jugular arteries from being cut. And if any of you doubt it, come over here and you can look at the scars. Now quit pussyfooting around and try to do something for the people...you're always...always talking about we got to protect the people from themselves. Every one of you who has spoke in opposition to this bill so far has...used that cliché on the Floor of this Senate in the twelve years I've been here. Now, start putting your strength where your mouth was when you used that cliché and vote for this bill and give those seven hundred and fifty people per year whose lives is estimated it will be saved an opportunity to be alive. Then, if you vote No, the next person who flies out of the car and dies because he didn't have his safety belt on, that's your conscience to take the grave with you. I vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. My questions are probably similar to some of those that have been raised but not in the same contents. I believe that this bill and the sponsor is trying in his own way to promote safety within Illinois, especially safety on the highways. But in all reality, who is this bill really benefiting? It's benefiting two primary major industries in this country. One, naturally, it's to benefit the automobile manufacturing industry because it prevents them...where they don't have to comply with the Federal law and the guidelines in reference to having mandatory air bags in new automobiles or maybe even a passive restraint system, which is really a state of the art now and not probably as costly as the air bags are. But it does help the automobile manufacturers if

this bill would become law nationally. What they're trying to do is create public pressure, state by state, and go to Congress and state that they really don't need this type of mandatory legislation because the states have a mandatory seat belt law, but in reality, that doesn't wash. It would have to be done nationally, a national...cr by a act of Congress or Federal law. This piecemeal approach will not do the job, nor will the...automobile manufacturers pass along the savings to the consumers who we're trying to protect. In 1981, Clarence Darrow is absolutely correct, they had a five mile an hour bumper safety law. That was changed the following year to two and half miles. If you have a...a 1984 automobile and you're involved in an collision at three miles an hour, you have an extensive amount of damage on your car. It saved the manufacturers approximately seventy-eight dollars per vehicle, but it is...cost the consumers, on the just a little bit of a hit, an additional four to five hundred dollars to have their automobiles repaired. Is that fair? Is that justice? Has the automobile manufacturing companies...did they experience a sizeable profit last year? Was that profit returned in somewhat in reduction of the price of automobile? No. They passed along the profits to the executives and naturally to the stockholders which they're entitled to. But I personally believe this bill is ill-conceived. My question to the sponsor, if you are involved in an automobile accident, and if this...bill comes into law in the State of Illinois, as the driver of that automobile and you were not wearing a seat belt at the time, could you be held as contributing...or contributory negligence in your insurance policy when it comes down to a settlement on the claim since you were not wearing your belt, they could change as far as the amount...that is owed to you stating that you contributed in the negligence in that type of an accident? These are very serious questions that are going

affect each and every one of the consumers in Illinois. And, yes, the goal of the bill is laudable, but unfortunately, in my personal opinion, I'm going to be voting No, because you can't do it on a piece-by-piece approach, it has to be done nationally and the questions as far as the savings to the consumers should revert back to the consumers, whether it's from the automobile manufacturing aspect or the insurance aspect. And that's why I'm voting No at this time on 2800.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, occasionally we should try to use some common sense and judgment and look at some of the facts, and we've all received the facts through the mail and on our desks, and if you look at a study done by the Alliance of American Insurers, that in 1982 in the Illinois some seventy-five people were killed in automobiles performing their job...their daily jobs. This cost Illinois employers some twelve million dollars. The National Safety Council says in Illinois that if we would enact mandatory safety belts, we could save three to four hundred lives and maybe that's an exaggeration. If we could save fifty lives, in my judgment, would be a step in the right direction. I didn't get motivated on this issue till this morning, quite frankly. I had Elizabeth Dole call me about a week ago and I told her I was going to vote No, but this morning about seven o'clock after I had showered and shaved and was getting ready to come down here to the Capitol, I had the boobtube on and had an opportunity to watch a member of the General Assembly from New York State, a Democrat, telling us the virtues of mandatory seat belts and how it was going to pass the New York General Assembly, I think today, and they were going to be the first state, if I remember correctly. Then they had the

opposition, one of my dear, closest personal friends, Ralph Nader. Now this is obviously an American institution, a great American hero and Ralph Nader says that he's against seat belts. Now he has been pimping for seat belts for eighteen years, but all of a sudden, lightning is striking and he suggests to the American public that if we don't get seat belts that that nasty, nasty Reagan Administration is going to stick us with bags. Well, ladies and gentlemen, if I've got my choice between belting up or bagging down, I'm for belting up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I don't care for Ralph Nader much either but that's not making up my mind. I think, frankly, ladies and gentlemen, I rise in support of House Bill 2800, and I suppose as with any piece of legislation there are real reasons and there are also good reasons. The real reason, obviously, is safety. We've had cars in this country with seat belts for years and, frankly, I've now had my third teenager go through drivers education and they are more conscientious about the use of seat belts than some of us who didn't have the benefit of driver education. And a good reason, frankly, is the hope at least, that when states like Illinois and New York and the major industrial states pass a mandatory seat belt bill that perhaps the Federal Government will come to their senses and not require air bags, which, in fact, will cost the consumer somewhere between nine hundred and eleven hundred dollars per automobile. Without any assurance, they really work. So we're going to save dollars but, more importantly, we're going to save lives. It's something that we ought to do and let the country know that we're serious. I urge an Aye vote on House Bill 2800.

PRESIDING OFFICER: (SENATOR SAVICKAS)

And in closing, we have Senator Netsch in place of Senator Chew. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As a hyphenated cosponsor, Senator Chew has grandly allowed me to remove myself from the regular list and make my comments in closing. There is one particular point that I want to make because there were some questions raised and some confusion I think even at the time of the committee hearing, that has to do with subsection C on page 2, the section that talks about evidence of negligence and liability and so forth. I think it should be made very clear that that section is intended to say that we, the General Assembly, are not attempting to dictate the legal consequences of wearing or not wearing seat belts once a mandatory seat belt bill is passed. What we are saying is that that issue will be decided by the courts as it has been up to this point and it is not our intention to dictate the result. The two points I would like to make very briefly, one relates to the civil liberties aspect, if you will, of a mandatory seat belt law. I like to think of myself, because all of you say so all of the time, that I am the resident civil libertarian in the Illinois Senate. I have no problems at all with a bill that requires mandatory use of seat belts. It seems to me that there are lots of circumstances where government does indeed intrude on our individual lives when there is a good reason, and let me just mention a couple. We require children to be inoculated against all sorts of things. Occasionally, we require adults to be inoculated against typhus or typhoid if there is bad water or something of that sort. Now, you may say that is not to protect you...or to force you to protect yourself, that is to protect the rest of society. Maybe that is so, I will accept that, but it is also a forced protection of yourself. We passed the child restraint law last time. Some of you may say, well, that's not the same

thing because those are just kids and they don't know any better and government has a right to tell them what to do. Perhaps so but it is still in the same general category. What about, we tell hunters they must wear orange jackets. I can't think of any more independent group in the whole wide world than those who go out into the forests and fields to hunt deer or whatever. And you can't say that if they are shot that it is an epidemic that is being passed on to the next person. We tell them to wear orange jackets to protect themselves. There are lots of ways in which we intrude, but the point is that we intrude when there is a reason, a public health reason. This is a major public health issue. We intrude because the consequences of the thousands of people, not the ones who are killed so much, alas, they don't cost us much more after they go. It is the thousands of people who are injured and whose afflictions then are passed on to their families, to all of us in society, that is the public health issue. I didn't need the automobile manufacturers to tell me to support a mandatory seat belt law. This has nothing to do for most of us with whether there will or will not be air bags. The person who is most influential with me and the circumstance is the Rehabilitation Institute of Chicago and Doctor Henry Betts... (Machine cutoff).

END OF REEL

BEEL #7

SENATOR NETSCH:

My office happens to be across the street from the Rehabilitation Institute. Every day I look out my window there and see the people who have been maimed by the automobile accidents in which they were involved. That is the most persuasive argument that exists. It is a major public health issue, and I urge you to vote Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 2800 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question,...Senator Chew, for what purpose do you arise?

SENATOR CHEW:

I'd like to postpone consideration on it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew asks leave to place House Bill 2800 on the Order of Postponed Consideration. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading, House Bill 2805, Senator Welch. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2805.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill will do three things. Number one, what it does is amend the Retailers Occupation

Tax Act to...permit the Department of Revenue to use as evidence in legal proceedings the computer printouts of the department's records pertaining to corrected returns or the determination of a tax due from the taxpayer. Two amendments were added to the original bill. Number one is to clarify...

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Welch.

SENATOR WELCH:

...Amendment No. 1 will clarify that the legal guardian of a minor child is held to the same standard as a parent when acting on behalf of the child. This is...done to comply with a Revenue Code ruling and clarify the rules that apply to the situation. The second amendment is one that is supported by the administration and the Taxpayer Federation, and that...I've been...I've been asked to read a...a statement into the record of legislative intent on that bill. And let me say this as to that particular amendment, "The amendment is intended to codify the Department of Revenue regulation now in force regarding qualification for the rolling stock exemption from the sales taxes. Current rules and practice upheld in court cases such as Burlington Northern Railroad versus Department of Revenue state that the movement of the contents being shipped in rolling stock, not the movement of the for-hirer carrier itself, is what qualifies the carrier for the rolling stock exemption. This includes the lessors of these vehicle for hire. This amendment will clarify current practice and guide Department of Revenue rule making so as to prevent costly litigation on this issue. I'd be happy to try to answer questions.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? Any discussion? If not, the question is, shall...if the question is, shall...shall House Bill 2805 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all

HB 2810
3rd Reading

voted who wish? Senator Welch, were you at the game last...oh, have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, none voting Present. House Bill 2805 having received the required constitutional majority is declared passed. Page 12, 2810, Senator Jeremiah Joyce. Okay. Page 12...top of page 12, on the Order of 3rd Reading is House Bill 2810. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2810.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. House Bill 2810 as amended reinstitutes the changes which we made last year with respect to legal notices and publication of...thereof. It reinstitutes the requirement that notices be published in a newspaper published closest to the people affected, and it also reinstitutes the requirement that a notice must appear in all editions published on that day rather than allowing the notices to be published in a small edition reaching only a few of the people affected. I ask for your support of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Sommer.

SENATOR SCHMER:

Senator Joyce, would you explain the amendments on the bill, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Last year, in a matter of about five seconds, we

dramatically changed the law with respect to publication of legal notices in newspapers. We are...this legislation, this amendment, reinstates the law or changes the law back to the way it was before we, in that five second leap last year, changed it back. What this will do is, it will restore the law as it was then, Senator Sommer, that you had to publish in a...you had to publish your notice in a local paper and you had to publish it in all editions on that day rather than permitting the publication only in a very limited edition and denying people the right to...excuse me, the right to have access to that information.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further...further discussion? Senator Becker.

SENATOR BECKER:

Thank you, Mr. President and members of the Senate. I rise in support of House Bill 2810. Many of the local newspapers in the 22nd Senatorial District have called me personally to say that in one little newspaper that's printed whereby about two hundred people receive a copy of that newspaper, there are approximately two hundred thousand people in the 22nd District. I think it's only fair that attorneys if they're going to print any legal notices that are going to affect any of our constituents, that notice should be printed in every local newspaper in every district where it affects our people. So, I rise in support of House Bill 2810.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Indicates he will yield. Senator Jones.

SENATOR JONES:

Yes, Senator Joyce, is there any impact on local units of government as far as advertising of...of legal notices?

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, I'm not...I'm not altogether certain on that. I don't know...don't know what the rates are. There could be a slight increase. I don't know how...I don't know how...I don't know this...if the City of Chicago...if you're talking about the City of Chicago, I don't know how it would affect the City of Chicago and what their rates would be.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Senator Jones.

SENATOR JONES:

Well, if we mandate that they print in all the...all the...all the editions of the paper, I'm quite sure that it...it would be...it would cost more for...for the local units of government. So, I just wonder does this...does the State Mandate's Act apply in this case?

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

I...I don't know whether the Mandate's Act applies or not, but I'm not sure that the City of Chicago is...I...I think the City of Chicago might be operating under the law as it was prior to our changing it, so I don't know whether this would cost the City of Chicago any additional monies, and I don't whether or not their rates with the Tribune or the...or the Sun Times, if they have a different rate...if they change a different rate or if they just run that same...I...I...I think Chicago is probably operating the way it was before we changed law.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

All right, further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

Do we still have on this...apparently it was a committee amendment on consolidation of townships on the basis of ten million dollars? Is that thing...that thing still a part of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza indicates that he has the answer to that. Senator Nedza.

SENATOR NEDZA:

Senator Rigney, that amendment was put on, but after my amendment was put on, the following amendment deleted everything after the enacting clause, so that is no longer there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? Further discussion...Senator Eruce.

SENATOR ERUCE:

All right, let...let's let someone explain then, either Senator Nedza or somebody, what are we...what is this bill presently relate to in the way of consolidation of townships and publication under the Truth In Taxation Acts? That's what I would like to know, and if it's all in Amendment 2...say it's all in Amendment No. 2 and there's nothing...if there's nothing in the bill or is some of the bill still left? That's my question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

The amendment deleted everything except what is contained in the amendment. All of the original bill is out now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Eruce.

SENATOR ERUCE:

All right. Well, as I look through the amendment, if it is only in the...if everything is in Amendment 2, I'd rise in support of this bill. It solves a problem that we have had in publication rights and Amendment No. 2 makes this a...an excellent bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah Joyce may close.

SENATOR JEREMIAH JOYCE:

Well, I ask for a favorable roll call. I will tell you, Senator Bruce, if something is different than what you have said with this bill, we will change it on its way over on the other side.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall House Bill 2810 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. House Bill 2810 having received the required constitutional majority is declared passed. 2812, Senator Philip. Page 12...top of page 12, House Bills 3rd reading is House Bill 2812. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2812.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2812 authorize counties to regulate bathhouses in unincorporated areas, authorize county use of refunding bonds for the purpose of waterworks, sewer facilities. Also allows them to regulate cable TV towers, et

cetera. Be happy to answer any question. If not, I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 2812 pass. Those in favor vote Aye. Those opposed vote Nay. The...voting is open. Have all voted who wish? Senator Lemke. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 2812 having received the required constitutional majority is declared passed. 2816, Senator Egan. On the Order of 3rd Reading is House Bill 2816. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2816.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. Back in the late 1970's when we negotiated with the Office of the Governor and several people involved with the original idea of exempting manufacturing equipment from the sales tax, it was certainly the intention to include the...replacement parts for graphic arts production, but I suppose less than careful drafting of the original law left it cut, and this allows them the same exemption as other manufacturing equipment, and I would ask your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall House Bill 2816 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all who...voted who

HB 2827
3rd Reading

wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2816 having received the required constitutional majority is declared passed. 2827, Senator Egan. House bills 3rd...3rd reading is 2827. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2827.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. This bill provides greater protection against child abduction between divorced or separate parents and parents who have never married. It is a bill that I think everyone is familiar with in its...in its content, it does exactly what it says in the Digest. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Any discussion? Any discussion? If not, the question is, shall House Bill 2827 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 2827 having received the required constitutional majority is declared passed. 2832, Senator Etheredge. It's on recall. House Bill 2853, Senator Degnan. 2856, Senator Coffey. On the Order of 3rd Reading is House Bill 2856. Mr. Secretary, read the bill.

SECRETARY:

House Bill...excuse me...House Bill 2856.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. This...this bill amends the Downstate Public Transportation Act, and the bill actually permits the Illinois Department of Transportation to reimburse the rural...rural and...and small urban transit systems up to eighty percent of eligible administrative expenses which presently is fifty percent. The...the bill brings State law into...conformance with Federal law which permits reimbursements up to eighty percent. It was amended to add the...that the amount of the project would be transferred to downstate public transportation during 1985 was about nineteen million, but the actual use was going to be 10.6, so it would allow them to only transfer the amount needed where it would leave available the other 8.5 to be used for other purposes. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 2856 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 2856 having received the required constitutional majority is declared passed. 2857, Senator Grothberg. On page 12...at the bottom of page 12 is House Bill 2857. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 2857.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President. This is the township bill to which we added yesterday the same publication Act that was passed out of here a few minutes ago and the Calendar is essentially correct. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 2857 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2857 having received the required constitutional majority is declared passed. Top of page 13, 2869, Senator Schaffer. Read the bill, Mr. Secretary, please. 2869.

SECRETARY:

House Bill 2869.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, we've had a little bit of a problem with the Confidentiality Act of the Mental Health Code. All this bill does is allow the facility director at one of our facilities to provide law enforcement agencies with information to confirm or deny whether a missing person is a resident. That is obviously a problem and...and I think it's a reasonable thing, and to give identifying information on involuntarily admitted residents on...on unauthorized absence to assist in their being returned to the facility. If one interprets the Confidentiality Act literally, you almost see the scenario of one of our...directors of one of our facili-

HB 2871
3rd Reading

ties calling up the police to tell them one of their people is missing and then saying, but I'm unable to give you the name or description of the individual. It's kind of a goofy situation. I know of no opposition. I think it's a reasonable change and protects the rights of the mentally ill along with the society's.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 2869 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2869 having received the required constitutional majority is declared passed. 2871, Senator Barkhausen. Mr. Secretary, House Bill 2871, read the bill.

SECRETARY:

House Bill 2871.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 2871 does two things. In the first place, it amends the Forcible Entry and Detainer Act and provides that where a landlord seeks possession and back rent from a tenant, that he can, if he gives notice to the tenant, accept partial payment of back rent while still maintaining an action for possession so long as he provides conspicuous notice to the tenant of his intent to maintain that action for possession. And secondly, by means of the amendment which we adopted, it...it alters the common law with regard to the distinction between so-called invitees and licensees. It follows up on a recommendation

NB 2857
2nd reading

from the Illinois Supreme Court that we mandate simply one standard of care for landowners towards people coming on their premises and that will be reasonable care under the circumstances. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? If not, the question is, ...any discussion? The question is, shall House Bill 2871 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2871 having received the required constitutional majority is declared passed. 2876, Senator Jerome Joyce. Senate...House Bill 2887, Senator Nedza. Okay. House Bill 2887, Mr. Secretary, read the bill.

SECRETARY:

House Bill 2887.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The bill allows the county board of any county may provide for an additional fee of one dollar for filing every instrument, paper, notice for record in order to defray the cost of converting the county recorder's document storage system to computers or micrographics. There's a sunset provision. This would last until January the 1st, 1990 when it's...when they estimate that they can make the entire conversion, and I...no questions, I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? If not, the question is, shall

HB 2950
2nd Reading

House Bill 2887 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 2887 having received the required constitutional majority is declared passed. 2913, Senator Darrow. It's on recall. 2917, Senator Jerome Joyce. 2921, Senator Egan. Senator Egan on the Floor? 2950, Senator Sangmeister. On the Order of House Bills 3rd Reading is House Bill 2950. Senator Sangmeister wishes that bill called. Mr. Secretary, read it, please.

SECRETARY:

House Bill 2950.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. House Bill 2950 was the one that we discussed at length on 2nd reading. It's the employee's right to know what's in his personnel file and we are limiting that to certain employers, and once again, I repeat it now, by the amendment we put on applies to employers that have five employees or more than five employees exclusive of the employer's parents, spouse or child or other members of his immediate family. Again, I am authorized to say that the National Federation of Independent Business have endorsed this. The Illinois Retail Merchants Association has endorsed it, and this amendment was worked out with labor; and again, to make that record very clear, there was another amendment they would have liked to have been put on here that was not put on here, but that's the situation as I see it, and be happy to answer any questions, if there are any; otherwise, I would like to see this bill

passed into law.

PRESIDING OFFICER: (SENATOR DEMUZZIC)

Is there any discussion? Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. As the joint sponsor of this bill, I would rise on this side and urge my colleagues to support it in final passage. It has been...it's...to a degree, it's gone through a kind of a salami process. There's been a certain slicing away, but as Senator Sangmeister has represented, there were even worse ideas that were contemplated for this bill, and I would compliment him on resisting offering them as well as compliment Senator Dawson for saying no. I think this is about as good as we're going to get, and I would recommend that everybody in this Body join in passing this out to the House and ultimately into becoming law. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this bill. As you remember, we have had some disagreements on structuring it initially. The bill in its present form is a good bill. We had a fight over an argument that we, as Republicans, thought would make it a great bill, but the difference is...irrelevant at this point, the point is Senator Sangmeister and Senator Bloom have a good bill that solves a legitimate problem. While it doesn't do everything we always we want, to be frank with you, sometimes we ask for more than is realistic to...to ask for. For that reason, I would support this bill and solicit an Aye vote from all Republicans and Democrats.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, the question is, shall House Bill 2950 pass. Those in favor vote Aye. Those opposed vote

Nay. The voting is open. Have all voted who wish? Senator Vadalabene. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2950 having received the required constitutional majority is declared passed. Senator Egan was off the Floor momentarily. He...request that we return to House Bill 2921. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading is House Bill 2921. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2921.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President. I apologize for not being at my seat. I was on the Floor, but I'm sure not as visible as I might have been. I beg your pardon and I beg your forgiveness. This bill, for the first time since 1978, would change the salary limits for the Office of the Director of Personnel for the...in the Comptroller's Office. There are...there's only one other such office that's...set by Statute and that's the Governor's Office; the Secretary of State doesn't have one set by office. I think it's only fair that we establish it at a...a limit that would have then granted the director a 4.5 annual raise since that last increase, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Johns.

SENATOR JOHNS:

What's the present salary?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Thirty-five.

SENATOR JOHNS:

What are you going to?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR EGAN:

Forty.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR JOHNS:

I rise in opposition to this bill. Ten thousand dollar increase to the Department of Personnel just strikes me as being out of line. I think we ought to look at all the other salaries that are needed and wait until that happens and make sure we're treating everybody equal. Here's one singled out, ten thousand dollar raise. I...I just, by nature, don't like it because...others are waiting and may not get it until the commissions formed approve it, so I oppose it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

I rise in support of this bill and in support of Senator Egan's position. One of the great frustrating things of paying public officials is we don't get around to doing things annually as we should. It has something to do with the lack of courage of certain members of the Legislature. Where we run into trouble then is we end up lumping it together, but as Senator Egan has said, if you take this on an annualized basis, this is a reasonable figure. If you want to keep quality people, you got to pay them. You get what you pay for, and while I'm sorry the...that the Legislature did not do its correct duty in raising things annually

to be reasonable, you sometimes have to get around to it when we get around to it. So, I would appreciate support for keeping competent people in the government and paying them perhaps what they deserve.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Along the same vein, for the purpose of an introduction, a man who realized the importance of...making a true living, former Representative Jessie Madison is on the Floor, now a Cabinet member with Mayor Washington. Jessie, good to have you here. He doubled his salary, too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 2921 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 14, 1 voting Present. House Bill 2921 having received the required constitutional majority is declared passed. House Bill 2953, Senator Darrow. It's on recall. 2961, Senator Netsch. At the bottom of page 13 is House Bill 2961, Order of 3rd Reading. Mr. Secretary, read the bill.

SECRETARY:

House Bill 2961.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The...the bill...specifically...requested by the City of Chicago but reflects also the desire of some other communities around the

State who had a similar but not quite as extensive bill in last time. What it does is to authorize the Department of Revenue to enter into an agreement for the mechanical collection of any taxes that are imposed by a municipality that in effect track the State taxes. It would mean that, for example, right now a local county and municipal sales tax is imposed by virtually every area of the State. It is collected by the State and redistributed. There are some cities which impose another sales tax. They cannot have that collected by the State for them at the present time. This would permit that to be done, assuming their local sales tax is identical. I should say that an amendment was put on at the request of the Retail Merchants Association which makes it clear that in the case of any sales tax to be collected by the State, it must be absolutely identical; and with that amendment, the retail merchants who at one time had opposed the bill not only withdraw their...their opposition but indicated to me that they supported the bill. It obviously makes a great deal of sense as a matter of public policy, as a matter of cost effective collection of taxes. It gives the Department of Revenue the authority to enter into the agreement so they are not going to be compelled to collect any tax that in their judgment does not track their own. I think it is a good idea. I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 2961 pass. Those in favor vote Aye. Opposed...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. House Bill 2961 having received the required constitutional majority is declared passed. Page 14, House Bill 2987, Senator Bruce. Top of page 14 is House Bill 2987. Mr. Secretary, read the

bill.

SECRETARY:

House Bill 2987.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Eruce.

SENATOR ERUCE:

Thank you, Mr. President. This bill at one time, let me make clear, had an amendment which dealt with cable television and that amendment has been Tabled and it has nothing at all to do with that particular aspect of regulation in the State of Illinois. What this bill in the present form does is authorize the Illinois Commerce Commission to require utilities to implement energy programs, allows utility security issuance for any lawful purpose, it allows the Illinois Commerce Commission to approve shelf registration of stock issuances and securities, changes the time requirements concerning rates and it requires a...that...that has been removed. The...the main...major portion of this is for shelf registration of particular security issuances which allows them to take maximum advantage of prevailing money market conditions. It is a...really the work of a commission on task force...the Governor's Task Force on Public Utility Regulatory Reform. In addition, there was an amendment which dealt with the public...the Public Television Grants Act and that one public television station in the State of Illinois is not FCC licensed and certified although they meet all of those requirements, and so we have added that they are in fact eligible for State grants.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 2987 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who

wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 2987 having received the constitutional majority is declared passed. House Bill 2992, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2992.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. House Bill 2992 does two things. First of all, it amends the Act that requires...regarding qualified blind persons to operate vending operations on public property. I'm sure that you're aware of the fact that we've had a problem downstairs over the last several years. Ellis Levin has put forth this bill in the House. It would require the department to indicate each operator's qualifications to operate various types of businesses and appropriate...by appropriate certification, and also it would assign a procedure by the department...promulgate a procedure which the...an objective set of criteria promulgated by rules and regulations adopted pursuant to the Administrative Procedures Act. It would notify all licensed operators in writing of the availability of vending facilities as soon as possible. The notice shall be...contain such pertinent information as the location, type of building, facility, availability and so forth, and would in fact set a procedure that only qualified bidders who have received certification are eligible to apply. An amendment that I put on is an amendment that stipulates that full-time teachers...employed at the school centers and institutes for the visually impaired or the hearing impaired operated by the

Department of...of DOBS shall receive the same vacation, holidays, sick leave and personnel days as those afforded other employees under the Personnel Code. This amendment would affect seventy-seven teachers at the School for the Deaf, thirty-three teachers at the Illinois School for the Visually Impaired. The Illinois School for the Deaf teachers are paid for a hundred and eighty school days, and at the ISVI, teachers are not compensated for vacation days and they receive only twelve sick days of which three can be used for personal time. I would ask for your favorable consideration on House Bill 2992.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR KEATS:

Now, the original bill was not terribly controversial. Your amendments that you added later concerning teachers there, it also requires seniority layoff, does it not?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

It does not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

It does still allow management discretion that those teachers who have been doing the best performance with blind workers would be kept based upon the merit of their performance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

The amendment says that all teachers employed full-time at the school centers and institutes for the visually or...or hearing impaired operated by the department shall receive the same vacation, holidays, sick leave and personnel days afforded State employees under the personnel...Personnel Code, period.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill...oh, Senator Schuneman.

SENATOR SCHUNEMAN:

Well, just a quick question. Do the...do school teachers normally receive as many holidays? It seems to me that State employees may get holidays when school generally is in session in other places.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Schuneman, there are seventy-five educators at the School for the Deaf, thirty-five educators at the School for the Visually Impaired and they...they are the only full-time employees of the State of Illinois who do not receive vacation or holiday pay. Now it is true that, you know, they are in fact work nine months of the year, but they are considered full-time, at the same any vacation days are figured on a formula that is nine-twelfths for the school year in terms of vacation pay, so that is the...the formula.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Demuzio may close. The question is, shall House Bill 2992 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2992 having

HB 2714
3rd reading

received the constitutional majority is declared passed. House Bill...Senator Smith has sought leave of the Body to go back to House Bill 2714. She was off with the Girl's State. Is leave granted? Leave is granted. On the Order of House Bills 3rd Reading, House Bill 2714. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 2714.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate...amendment was put on 2714 so that it would be in conformity with...the Federal Government. The Federal holiday will be January 1st, 1986, and so we're putting ours in conformity that it'll go in effect January 1st, 1986, in the State of Illinois, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 2714 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 2714 having received the constitutional majority is declared passed. House Bill 3036, Senator Welch. House Bill 3041, Senator Holmberg. House Bill 3059, Senator Darrow. Read the bill, Mr. Secretary. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 3059.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. House Bill 3059 amends the Municipal Airport Authority Act. It authorizes the municipal airport authorities to refund or advance refund bonds or other obligations and provides that obligations may be paid from taxes and other sources. At the present time, the Quad-City Airport is in the process of refinancing some general obligation bonds and some revenue bonds. Their Bond Counsel, Chapman and Cutler, recommended the language in this bill in order to facilitate the refinancing. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Any discussion? If not, the question is, shall...House Bill 3059 pass. Those in favor vote Aye. Whoop...well, the question is, shall House Bill 3059 pass. Those in favor signify...will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 3059 having received the required constitutional majority is declared passed. House Bill 3065, Senator Etheredge. That's on recall. House Bill 3067, Senator Schuneman. House Bill 3069, Senator Etheredge. Top of page 15, House Bill 3089, Senator Geo-Karis. Top of page 15, House Bills 3rd reading is House Bill 3089. Mr. Secretary, read the bill.

SECRETARY:

House Bill 3089.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this...what this bill simply does is shifts the responsibility for reimbursement of the county's assistant state's attorneys to the Department of Corrections as they have the authority to designate State penal institutions, and this corrects the payment schedules contained in the Statutes of counties between twenty and thirty thousand population. It's not a reduction payment to any county, as there are no counties in this range with mental institutions. It really...it's really a corrective bill to correct some errors in the past legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Buzbee.

SENATOR BUZBEE:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Buzbee.

SENATOR BUZBEE:

First of all, does this affect the counties that have...mental institutions and penal institutions? Does it affect both of them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Let me take...hold on just a minute. My understanding is that...it only affects the State reimbursement to assistant state's...attorneys in counties between twenty thousand and thirty thousand population, and my understanding is...and...and if there is a State mental health institution located therein. The only difference is it transfers to the Department of Corrections the power to administer the reimbursement to the assistant state's attorneys where the penal institutions are located. That's my understanding of the

bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Euzbee.

SENATOR EUZEEE:

And you're only changing for those counties that are between twenty and thirty thousand population. Is that right? Because there are other counties, obviously, who exceed that population or perhaps may even be less than that population that have those kind of institutions in them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

This is the way...this is our analysis and this is the way it is. It's twenty to thirty thousand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...Senator Euzbee.

SENATOR EUZEEE:

Well, I...I'm...I'm...got two counties in my legislative district that probably are going to be affected by this, Randolph County and Union County, because in Randolph there is...there is a penal institution and a mental health institution. In Union there's a mental health institution, and this funding is extremely important to those state's attorneys in those counties, and I'm...I'm very concerned about what we're doing to it, and...and you're telling me that it does affect both departments, is that right, both types of institutions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

This only affects the penal institutions involved. It does not cut down the salaries. All it does is transfer those...the administration of those salaries to the Department of Corrections.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Euzbee.

SENATOR FUZEFF:

Well, there's something else here, Senator, that you've not been telling us, and that is that you're cutting down on the amount of assistance for the state's...assistant state's attorneys' pay from eight thousand dollars to four thousand. Why...why would we want to reduce the State's portion from eight thousand down to four thousand?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEC-KARIS:

All right...

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Perhaps I can help. Senator Euzbee, it's not going to reduce anything. It just changes who's going to pay it. Corrections is going to pay to the penal institutions instead of whoever is currently paying. I think ECCA is currently paying. It does not change the reimbursements.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Euzbee.

SENATOR FUZEFF:

Well, I'm,...I'm sorry, Senator, but it does. There on...on line 22 of page 2, it says, "to each assistant state's attorney in counties containing not less than twenty thousand habitants...inhabitants and not more than thirty thousand inhabitants, the sum of," new language, "four thousand dollars," strike old language, "eight thousand dollars per annum." It's right there in the bill. All I would ask, Senator, is would you take it out of the record and let's have some time to...

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Geo-Karis.

SENATOR GEC-KARIS:

May I please take it out of the record, because I think I can explain it when I see it.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Take it out of the record. House Bill 3092, Senator Bloom. On House bills 3rd reading is House Bill 3092. Mr. Secretary, read the bill.

SECRETARY:

House Bill 3092.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bloom.

END OF REEL

MS 3099
3rd Reading

REEL #8

SENATOR ELOOM:

Thank you, Mr. President and fellow Senators. The vehicle contains some administrative changes in the Health Facilities Planning Act to extend for two more years the section requiring certificate of need permits for major medical equipment permits. It has three amendments. The first amends the Hospital Licensing Act to require all hospitals to comply with the regionalized perinatal care network and it really addresses the high risk infant issue. The second amends the Public Health and Safety Act and there's no known opposition to that, that is part of the perinatal package. And the third amends the Abused and Neglected Child Reporting Act which might be called the Son of Baby Doe. Basically it redefines neglected child to include those who are denied nourishment or medically indicated treatment solely on the present or anticipated mental or physical impairment. That is it in a nutshell. I'll answer any questions, and any questions that I can't answer, I'm sure that Senator Joyce or Degan can answer; otherwise, I'd seek an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 3092 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 3092 having received the required constitutional majority is declared passed. 3096, Senator Sommer. 3099, Senator Kustra. On the House bills 3rd reading, middle of page 15, is House Bill 3099. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 3099.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. House Bill 3099 amends the Unemployment Insurance Act in Illinois to make changes to conform with the Federal law. It extends the current disqualification for unemployment benefits for periods between academic terms and the vacations for higher, elementary and secondary education personnel. The bill is an agreed bill between the employer community and the labor community and I would ask for its favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 3099 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 2, none voting Present. House Bill 3099 having received the required constitutional majority is declared passed. 3101, Senator Schaffer. On House bills 3rd reading, House Bill 3101. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 3101.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, for some time we've had problem and concern about follow-up when we shift residents out of our mental and developmental disability

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Savickas

institutions. This bill is a compromise, it's an administration bill, would provide for follow-up...visits once a week for the first four weeks after a client has been transferred to a nursing home and then once a month thereafter for the rest of the year. And further provides that for the first six months the inspection visits would be conducted by State employees and for the second six months it would either be State employees or designees of the departments as long as the designees were not nursing home personnel. In other words, the nursing home people couldn't be in...in effect policing themselves. I think we need to have a procedure on the books to guarantee that when we transfer someone from one of our institutions for whatever reason into a...another setting, particularly a nursing home, that there's a follow-up. I know of no opposition. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any question? Any discussion? Any discussion? If not, the question is, shall House Bill 3101 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3101 having received the required constitutional majority is declared passed. 3110, Senator Savickas. On the Order of House Bills 3rd Reading is 3110. Mr. Secretary, read the bill.

SECRETARY:

House Bill 3110.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

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3rd Reading

Yes, Mr. President and members of the Senate, House Bill 3110 is an Act in relation to the regulation of the business and vocational schools, and it revises the conditions for approval to operate, increases the application fees, increases the required minimum surety bond amount, and defines a placement assistant services. It was amended the other...yesterday...to amend that the private colleges and universities are exempt from the bill and it was a bill, that was introduced apparently because of a TV expose on the schools in Chicago. I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? Any discussion? Any discussion? Any discussion? The question is, shall House Bill 3110 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question the Ayes are 56, the Nays are none, none voting Present. House Bill 3110 having received the required constitutional majority is declared passed. 3123, Senator Sangmeister. On House bills 3rd reading, House Bill 3123. Mr. Secretary, read the bill.

SECRETARY:

House Bill 3123.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This bill is a bill which...establishes in Illinois for the first time an Illinois adoption registry. As you know, every time the General Assembly has addressed this...this...situation, we have found, of course, a lot of emotion that's been involved and...a lot of problems with this type of legis-

lation, none of which have been insurmountable this time. That has been due to the fact that we were able to receive cooperation from such groups as the Illinois Adoption Family Association which represents adopted parents. We worked with the Child Care Association and the Lutheran Social Services of Illinois, and such adoption agencies as the Cradle Society had their input into this, and we now think we have a bill that should be adopted into law. This is not everything that everybody would like it to have, and as an adopted parent, I wasn't that happy with this to begin with but I have come around that I think this is something we have to do. As you know, there are a lot of search groups going around the State of Illinois which is causing a lot of problems for...for everyone, and we're hopeful that if we do establish an adoption registry that perhaps it will put some of that to rest and we'll have an orderly process out of what almost amounts to chaos at times. What the bill does do with the amendment on it is set up in detail how an adopted child or the biological parents can file with a registry which we have placed with the Department of Public Health, and if the two want a match at a later date, they will be able to do that. In order that adoptive parents would not be badgered by adoptees to get into this at an early date, we have structured it so that until a child is eighteen years of age they will not be able to participate in the registry. Between eighteen and twenty-one you will have to have the permission of your adopted parents, and after you're twenty-one years of age, why, anyone, any adoptee, can file with the registry. Of course the biological parents can file at any time, and then in between that time if anybody wants a match, they can ask the department to search the records and if a match can be made it will be done. The second thing that this bill does that I think is really important because there has never been any defense to the fact that an adopted person certainly

ought to be able to get at their medical records, this bill will now require that at the time of the adoption that a medical record be drawn up by the agency that is involved, and even on private adoptions there's always some private agency that does the investigation will have to have a...a detailed, is the word we used, a detailed medical history of the child to be adopted. So at any time that there is a problem and we need to know the...the history, it will be there for the adoptive parents and be furnished to them at the time of the adoption and it will be available for the child to be adopted at anytime that he wants it, and I think this is one of the big essentials of the bill. All the details of this, of course, is spelled out in the legislation as to how the forms are to be filled out, they all got to be notarized to attempt to prevent any fraud and I, frankly, think at this point that we have a...a good piece of legislation. Be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Euzbee.

SENATOR EUZEEE:

Thank you. Senator Sangmeister, let me try to reiterate what I think you're saying is in the bill and tell me if I'm correct or not. First of all, that...that there has to be consent; obviously, the...the...the...the adopted child has to request if anybody can get...to get into these records. The natural, the birthing parent has to consent. The child does not have that right to get into that registry until age eighteen, between the ages of eighteen and twenty-one only with the adopting parents'...consent. After age twenty-one it's open to him or her. Prior...my...my...my big concern is, a child that's now been living with adopting parent ten, twelve, fifteen years...this bill will pertain to that child also. The birthing mother can, in fact, deny anybody ever being able to get to her if she so wants, but she's going to

have to register to do that or she's going to have to fill out a form to do that. And I...I guess I'm really asking, why is it we're doing this at all right now?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Okay. The answer to all of your questions are, yes, and I would just like to emphasize the fact that either the adoptee or the biological parent if they want to go on affirmatively can file in the form that's laid out in the legislation a denial that they never want to hear from the adopted child or the adopted child never wants to hear from the biological parent, you can go on affirmatively. Now to answer your question as to why do we need all of this of course that's been the philosophical question that adoptive parents have...have asked for a long time. And we worked with...with the Adoptive Parent Association which is a membership of about a hundred and fifty adopted parents, and they've come to the conclusion that it is futile to try to prevent any further identification between adopted children and their biological parents, and we now have these search teams and private investigators pursuing this matter and causing a lot of havoc by rapping on people's doors and coming in and asking them in front of the whole family, are you the mother of so-and-so and we're...we're trying to put that to rest. I'm not saying this legislation is going to stop that but at least it will give now, for the first time, adopted children who want to and biological parents who want to an opportunity to have a registry where they can possibly get together. If neither one of them want it, then it's not going to happen. Adopted parents who still don't want that to happen can prevent that up to age eighteen; in fact, they can prevent it up to age twenty-one, because between eighteen and twenty-one they're going to need the consent of the

adopting parents. However, after it's twenty-one, you know, what more can I say at that point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Senator Euzbee.

SENATOR EUZBEE:

Well, I...I think at age twenty-one now, the child has the right to go in and get into those circuit court records, do they not? I...I...I think they can, can't they?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Those records are impounded at the time of the adoption and you're going to have to show good cause to get into that file, so even the adopted child at this point cannot get into those records. That's one of the frustrations, particularly where they're looking for medical records which may be part of that file and they can't get those records opened up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Euzbee.

SENATOR EUZBEE:

Well, in the past, Senator, you...you may or may not know, I have always opposed this kind of legislation. I am not persuaded by the argument that...well, they're going...they're going to get it anyhow with all of these investigating teams and so forth; it's my contention it's none of their business. But I think the argument that...that is persuasive to me is the medical history argument. And for the child to be...have the ability at some point or another, providing the...the birthing parent has given permission, the child perhaps have the ability to get into his...or her family history medical records, I guess. And I guess that...that is the argument that would persuade me...again, I go back, the other people, that's none of their business anyhow, and I don't think...I...I resent their...those kinds of

attempts, but...I guess I'm going to vote for the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

...I apologize if the question has been asked, but did I understand you to say that...that this program was strictly voluntary on the part of the adoptive parents? If they do not want to participate then there is no gathering of information by the registry?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

That is not quite correct. You said if the adopting parents, is that your question...? No, again, the adopting parents will...the first place the minor cannot file until he is eighteen years of age. And if the adopting parents want to prevent it till he is twenty-one years of age, they can do so. After that, whether regardless of what the adopting parents want to do, if the adoptee, the adopted child, wants to get into the registry, he'll have a right to do that. The biological parents can get into the registry at any time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

So...so after the...adopted child attains majority, he has the right to go into the registry. Will that information be available for every adoptive child?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, it'll only be available for those that are willing to put the information in there. So, first, the adopted child has got to want to put the information in, now he does. Now if the biological parent has not put their information in, there can't be a match. And it's not an automatic match; after each side puts their information in, somebody has got to request a match.

PRESIDING OFFICER: (SENATOR DEMUOZIC)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I think this sounds like a reasonable solution to a...to a problem for a lot of the people and there seem to be good safeguards. I...I'm going to vote for the bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUOZIC)

Further discussion? Senator...Senator Marcovitz. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I was chairing the committee...the Health committee at the time this bill came up. This is the compromise amendment to the legislation. It is a compromise between the adoptive parents lobbies, Child Care Association, the Cradle Society, Catholic Charities and Lutheran Family Services. And I think it's a very reasonable compromise and would solicit everybody's support for this legislation.

PRESIDING OFFICER: (SENATOR DEMUOZIC)

Further discussion? Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, thank you, I can appreciate Senator Euzbee's feelings on it because his were exactly what mine was and maybe only up to a couple of weeks ago, and that is, we've got to be able to let adopted children get at the medical records. But after some reflection on the whole matter and

talking to a lot of adoptive parents who were represented through their associations here, I have...capitulated is the wrong word, but I think it's...it's a program that we ought to get off and running and I solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall House Bill 3123 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 3123 having received the required constitutional majority is declared passed. House Bill 3125, Senator Kustra. Bottom of page 15, House bills 3rd reading is House Bill 3125. Mr. Secretary, read the bill.

SECRETARY:

House Bill 3125.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. As a result of several tragic and highly publicized abductions and murders of young people in recent years, the Illinois House last year passed a resolution calling for research in the problems of missing young adults. This bill is the result of a study which was done by the...the Criminal Justice Information Authority and the Department of Law Enforcement. The bill provides a uniform format for entry of information regarding a missing person into the system, and it develops and implements a policy for Statewide or regional alert of disappearances of individuals. It is a bill very similar to a bill which we passed out of here sponsored by Senator Rock a couple of weeks ago, and I would urge its favorable con-

sideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Kelly.

SENATOR KELLY:

I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Kelly.

SENATOR KELLY:

Senator Kustra, what about that twenty-four hour waiting, that twenty-four hour period. Has that...that is not in this concept, is it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra...Senator Kelly.

SENATOR KELLY:

Can you...he indicated no. Can you indicate why,...I was advised that that would be a good issue to have. Can you briefly advise me and the other members why that twenty-four hour period is not in this bill to be waived?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

We do let them report in this bill sooner than twenty-four hours.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Well, you say it...it would be a...within the bill...it...it makes it more...it facilitates the whole process for these missing children then by that particular issue. It seemed like that twenty-four hours was a problem. That's why.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

7/13/28
2nd Reading

Senator Kelly, I believe what you're getting at is the wait of twenty-four hours. Under the existing systems and procedures, this bill allows for earlier reporting, as I understand it.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? If not, the question is, shall House Bill 3125 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 3125 having received the required constitutional majority is declared passed. 3128, Senator Philip. Page 15, House Bill 3128. Mr. Secretary, read the bill.

SECRETARY:

House Bill 3128.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President...Ladies and Gentlemen of the...of the Senate. House Bill 3128 as amended, quite frankly, we stripped everything after the enacting clause and this is the so-called Bock-Philip or Philip-Bock answer to the House's reorganization of the State commissions. So we've had a lot of debate on it. We're sticking by our guns, I hope that everybody would vote for it and give the House a message.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 3128 pass. Those in favor vote Aye. Those...those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all

voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 3128 having received the required constitutional majority is declared passed. 3148, Senator Weaver. It's on recall. House Bill 3161. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 3161.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, very much, Mr. President. House Bill 3161 addresses a problem that occurred in...in my district. There was a taxpayer that paid his tax bill, and apparently as...as a result of the...the payment, it was found that he had either overpaid or he was, in fact, due a refund. The Department of Revenue has had for some time the...over at least the period of time of recollection here...a substantial problem in...in trying to straighten out the various refunds from various taxpayers, and as a result, what this bill attempts to do is that any claimant who has not received a notice of a...tentative determination of a claim within fifteen days after which the...the claim is filed under Section 19 may, in fact, deduct the amount claimed in subsequent payments to the department for liability that's been incurred under the Act. The basis what...what it means is that if you overpay or you have a sales...or you have a refund coming back or whatever, that you, in fact, can deduct it from the next refund. Now, if in fact there is an additional dispute then...and it is later on reconciled in terms of the department as...as well as the claimant, then in fact that it can be reconciled; if it's disallowed, then the claimant could be

liable for...any of the interest and the...and the penalties resulting from the disallowance. I think it's a good bill. I...I don't know if there's any particular opposition to it, but I would be glad to respond to any questions that there...that there might be.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. There's an old expression that says the consequences of public policy are frequently unchosen unforeseen and dichotomous. Senator Lemuzic, you're going to accomplish the opposite thing of what you're going to accomplish, because what you're going to do is force the department to immediately go ahead and issue a tentative determination of claim in response because they have no other alternative and, consequently, you are only going to delay the process.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor. Senator, I...this bill got my attention because of some problems that I've had in my district where a taxpayer paying his Federal Income Tax and State Income Tax at the same time makes the simple error of...putting the wrong check in the envelope. And as a result, the Illinois Department of Revenue receives his Federal Income Tax return...or payment, and...and I guess the Federal Government gets his State. I was really amazed to find out that the Illinois Department of Revenue cashes that Federal check, and I don't quite know how they do that; in the first place, it's not made out to them. Does this have anything to do with...with solving that problem or...or have any bearing on it at all?

PRESIDING OFFICER: (SENATOR BRUCE)

HB 3205
3rd Reading

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm frankly unable to answer that question in relationship to the State and Federal. This, I think, only relates to issues...it...it calls for a certain section here, I...I think it's in the area of sales tax and...and that type of liability, I don't believe it goes to the income problem that you're addressing.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Further discussion? The question is, shall House Bill 3161 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 5, none voting Present. House Bill 3161 having received the required constitutional majority is declared passed. House Bill 3205, Senator Weaver. Is Senator Weaver on the Floor? Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 3205.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This bill does two things. It would allow the Department of Conservation to enter into reciprocal agreements with other states for fishing, either in Illinois, Indiana, Wisconsin...or any other state having a reciprocal agreement. Also, it says that in charter boat fishing permits, if one state charges four hundred dollars, we charge four hundred dollars; they charge a hundred dollars, we charge one hundred dollars. There are some discrepancies in...maybe we charge

a hundred dollars in Illinois for fishing in lake Michigan on a charter boat but you get into Wisconsin waters and...and the fee is four hundred dollars. So, we're just trying to correct that inequity, and if there's any questions I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Is there discussion? Senator Parkhausen.

SENATOR PARKHAUSEN:

Senator Weaver, just as to the main bill, if the sponsor will yield. I'm sorry I haven't had a chance to ask you this privately but it might bear some conversation here in the debate...as to the body of the bill, just looking at our analysis, not having heard from the department, why do they want to be able to designate a period of time during which a person can fish without a license?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Conservation couldn't give me an answer either, so, I don't know.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Parkhausen.

SENATOR PARKHAUSEN:

I assume this is part of our tourism promotion.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall House Bill 3205 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 3205 having received the required constitutional majority is declared passed. 3221 and 3255 are on the recall list and so they will not be considered today. That concludes House 3rds. Senator Rock, did you have an announcement?

SENATOR ROCK:

Thank you, Mr. President. I think we have done a good day's work. There are some bills on the recall, of course, but I think we might be better advised to do 2nd's and recalls tomorrow with the hope that we're going to get out of here at three o'clock. I was kind of, frankly, awaiting the arrival of the Mayor of the City of Chicago. He is in the building and was over testifying before the House and wished to come and say hello to us, and I am sure he will be here momentarily if we can just kind of hang on for a moment, then we'll adjourn until ten o'clock tomorrow morning.

PRESIDING OFFICER: (SENATOR BRUCE)

Leave to go to the Order of Resolutions? Resolutions. For what purpose does Senator Philip arise?

SENATOR PHILIP:

Yeah, suggestion, why don't we go to recalls while we're waiting. Get some of that work out of the way is what I'm suggesting. Yes, you know, he may forget what day it is.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip, perhaps it would be better just to go to resolutions for a moment, and then I'm sure the mayor will be here momentarily. Resolutions.

SECRETARY:

Senate Resolution 691 offered by Senator Watson. It's congratulatory.

...692, by Senators Hudson, Grothberg, Etheredge and Geokaris. It's congratulatory.

693, by Senator Keats, congratulatory.

694, by Senator Lemke, commendatory.

And Senate Joint Resolution 126, by Senator Egan and it's congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar. Message from the House.

SECRETARY:

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

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

House Joint Resolution 165 and it's congratulatory.
PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar. Senator Holmberg, for what purpose so you arise?

SENATOR HOLMBERG:

Thank you, Mr. President. With leave of the Body, I would like to be removed as the sponsor of House Bill 3041 and would like Senator Welch's name substituted as sponsor.
PRESIDING OFFICER: (SENATOR BRUCE)

Senator Holmberg is asking leave to be removed as principal sponsor on House Bill 3041 and that Senator Welch be...Senator Welch be substituted as the sponsor. Is there leave? Leave is granted. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like the record to show that Senator Mahar is still convalescing in the hospital and doing well.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. The Journal will indicate...convalescence of Senator Mahar. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Well, on a point of personal privilege, Mr. President. This morning when we arrived here we had this handwritten note on each of the member's desk, something to do with the House and Senate ball game, and I was under the impression that we had rules that indicated that it had to be signed by the person who was distributing this propaganda. It is not

signed and I was wondering if it would be possible if the Pages would come and get this piece, it is inaccurate. I...I know for a fact, for example, that...that Senator Marovitz it has 0 for 3 and I'm quite sure that he at least got one base hit at least by...our...our rule book, and it just seemed to me like it was just inaccurate as...as everything.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Marovitz.

SENATOR MAROVITZ:

I think Senator Demuzio would like to be chairman of the softball commission. On that subject, while we're in a lull, I've caused to be handed out to all of you at your desks the Legislators Night at White Socks Park on August 14th. We've heard from about a half a dozen people. I would hope that more people would respond and get...get your orders in. Legislators Night at White Socks Park on August 14th includes dinner and the ball game and it has always been a wonderful evening. Get your ticket orders in for Legislators Night at White Socks Park.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, Senator Marovitz, the reason people haven't responded is because you have to pay. You know, Senator Donnewald takes us down for free. I mean, if you're going to do this big thing, why don't you just come up with some money and treat us.

PRESIDING OFFICER: (SENATOR BRUCE)

It...it could be because the Cardinals have a better ball team.

SENATOR BOCK:

Let me introduce our former colleague, the Mayor of Chicago, Harold Washington.

MAYOR WASHINGTON:

(Remarks given by Mayor Washington)

PRESIDENT:

All right, any further business, further announcements to come before the Senate? Senator Geo-Karis.

SENATOR GEO-KARIS:

On a point of personal privilege.

PRESIDENT:

Yes, state your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, you have received within the last three weeks an invitation from the Lake...Lake Michigan Marina Project Committee inviting you for an exciting, fun-filled excursion July 8, 9 and 10 at the Holiday Inn Illinois Beach Resort. We would like to...you're going to get another notice this week, and we would like you to make your hotel reservations, you will get the State rates of thirty dollars at the Illincis Beach Holiday Inn in Zion and you're going to have a cocktail mixer, you're going to have charter boat fishing on us, and you're going to have a marina tour, golfing and Great America and we're also going to try and arrange for you...for you a visit to the Lippizaner Horses in Wadsworth, Illinois. So please fill...fill out your...reservations and send them in.

PRESIDENT:

All right. Any further announcements? Further business? If not, Senator Berman moves that the Senate stand adjourned until tomorrow morning at the hour of ten o'clock. Ten o'clock tomorrow morning, and I pledge to you we'll be out of here by three o'clock. Ten o'clock tomorrow morning.