

83RD GENERAL ASSEMBLY

REGULAR SESSION

JUNE 24, 1983

PRESIDENT:

The hour of nine-thirty having arrived, 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 Hugh Cassidy, Blessed Sacrament Church, Springfield, Illinois. Father.

REVEREND HUGH CASSIDY:

(Prayer given by Reverend Cassidy)

PRESIDENT:

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

SENATOR HOLMBERG:

Mr. President, I move that the Journals of Monday, June 20th; Tuesday, June 21st; Wednesday, June 22nd and Thursday, June 23rd, in the year 1983, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Holmberg. Any discussion? If not, all favor signify by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. Messages from the House.

SECRETARY:

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

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

Senate Bill 101 with House Amendment No. 1.

And I have like Messages on the following bills with House amendments:

Senate Bill 133 with House Amendment No. 1.

Senate Bill 192 with House Amendments 1 and 2.

Senate Bill 201 with House Amendments 1.

Senate Bill 228 with House Amendments 1 and 2.

Senate Bill 284 with House Amendment 1.

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Senate Bill 337 with House Amendment 1.
Senate Bill 520 with House Amendment 3.
Senate Bill 531 with House Amendment 1.
Senate Bill...578 with House Amendment 1.
Senate Bill 849 with House Amendments 1, 2, 3

and 4.

Senate Bill...557 with House Amendment 1.
Senate Bill 838 with House Amendment 2.
Senate Bill 1057 with House Amendment 2.
Senate Bill 1024 with House Amendments 1 and 3.
Senate Bill 1116 with House Amendments 1 and 2.
Senate Bill 1174 with House Amendment 1.
Senate Bill 1176 with House Amendment 1.
And Senate Bill 1241 with House Amendments 1

and 2.

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 64.

PRESIDENT:

Executive. All right, if I can have the attention of the membership, we have passed out a recall list in order to accommodate some of the members. Senator Kustra on the Floor? If you'll take a look at the recall list, Senator Pawell, are you ready on 1725? On the Order of House Bills 3rd Reading, on the top of page 25, on the recall list, Senator Pawell seeks leave of the Body to return House Bill 1725, 1-7-2-5, 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 1725. Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, Amendment No. 1 to House Bill 1725 is general subject matter of the bill that deals with water, and the original bill deals with the...with the question of bonded indebtedness for the construction of...of water facilities. The amendment amends...the bill itself amends the Municipal Code and this amendment also amends the Municipal Code as well as the Sanitary District Act. The amendment is defined very narrowly to bring under the jurisdiction of the Illinois Commerce Commission water rates...this fixing of water rates but only in situations where a municipality which has procured its water from another municipality which in turn gets its water from Lake Michigan is then selling its water to...to individual consumers outside of that municipality. I...the reason for my interest in the amendment is that...well, individuals in an incorporated area in...in my district are paying water rates that are six times what...what the residents of the municipality are paying; they're the highest water rates in the State, and I'd...and the average resident in this...in this area is paying a water bill, if you can believe it, of around twelve hundred dollars a year. I've had a chance to discuss this amendment with Senator Nedza and with Lee Schwartz, an attorney representing the City of Chicago, and we've gone through several revisions of the amendment and this...and this represents our best effort and...and the city has no problem with it. I move the adoption of the amendment.

PRESIDENT:

All right, any discussion? Any discussion? If not, Senator Barkhausen...I beg your pardon, Senator Mahar.

SENATOR MAHAR:

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

the sponsor yield for one question?

PRESIDENT:

Indicates he will yield, Senator Mahar.

SENATOR MAHAR:

Senator Barkhausen, this does not in any way change the present system in...in one municipality selling water to another, is that correct?

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

That is correct, Senator Mahar. It only affects...let me explain again because it is somewhat complicated, it only affects the sale of water by a municipality to individual consumers but there only where your dealing with a municipality which has obtained its water from another municipality which has gotten its water directly from Lake Michigan.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Does that also apply to private utilities who deal in Lake Michigan water? I'm thinking of Citizens Utilities.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, just to municipally owned utilities.

PRESIDENT:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Yes, Mr. President, and I apologize to the sponsor, and I just asked him privately but then Senator Mahar started to ask him a question, if there was any way he could hold this for a moment. This is a new amendment, while he did talk to the City of Chicago, there are several other municipalities more directly involved with this than the City of Chicago,

and most particularly some of the ones in the northern suburbs where this became an issue and they did not...they were not made aware of this amendment till just this moment as Senator Barkhausen started to speak.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Carroll, let...let me attempt to explain again because I share your concern about...if you're talking about the northern suburbs. If you're talking about municipalities which get their water directly from Lake Michigan and then in turn sell it to other municipalities or other consumers. I assume you may be talking about the City of Evanston. I know I have in my district, the Village of Lake Bluff which...which is a seller of water which it procures directly from Lake Michigan, and the only municipalities, again, that this amendment would affect are those which are...are purchasing their water from another municipality, such as Chicago or Evanston which get their water directly from Lake Michigan, and those...those municipalities which purchase water from such municipalities will then be regulated only when they sell water to individual consumers and not, say, to...to another municipality. I'd be happy to try to explain it further. I...I have been back and forth on this with...with Senator Nedza and Lee Schwartz and...and Lee, yesterday afternoon, signed off on that language which is...is parallel throughout the various sections of the Municipal Code and the sanitary district which the amendment amends.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Berman.

SENATOR BERMAN:

You said Lee Schwartz signed off for the City of Chicago. My question is, where...how does this amendment affect the City of Evanston?

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, it doesn't. Just the provisions which apply again apply only to...to municipalities which are purchasing their water from a municipality such as Evanston, such as Chicago, such as Lake Bluff which get their water directly from Lake Michigan, and the Illinois Commerce Commission would only regulate...would only regulate water rates where a municipality has procured its water from another municipality which directly gets its water from Lake Michigan; but Chicago and Evanston, of course, don't fall into that category because they are...they are not purchasers of water from another municipality, they get their water directly from the lake.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

All right, then as I read this amendment, you're giving the Commerce Commission authority to fix the rates for the second municipality down the road. Evanston would not be under this, but if Morton Grove bought their water from Evanston, Morton Grove would be under this amendment, their rates would be fixed by the Commerce Commission. Is that correct?

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

That's correct, Senator Berman, but only...only where they are selling their water outside the municipal bound-

aries, and then only when they're selling it to individual consumers, not if...to answer your specific question, not if Morton Grove in turn sold their water to another municipality or where they're selling it to consumers within municipal limits would they be affected.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

All right, just one other question. You may have stated this when you started and I wasn't on the Floor. Why are we doing this?

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Again, my interest in the amendment is...is due to the fact that residents in an unincorporated area in my district are paying...water rates which in the case of many residential customers are twelve hundred dollars a year, and they are rates which are six times as high as what the residents of...of the municipality are paying, and I...it's my feeling that the municipality is taking advantage of their monopoly situation and are seeking to...to raise revenue at the expense of the residents of this unincorporated area. This General Assembly has shown great sensitivity to...to escalating utility rates in a number of other areas and...and with a variety of other legislation that we dealt with this Session, and I feel that this is a...a narrowly defined reasonable attempt to...to get at this problem.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

For the enlightenment of Senator...of the...my colleague from the other side of the aisle, that fact that Lee Schwartz signs off on something doesn't carry a heck of a lot of

weight around here anymore, and you may be so guided in the closing days here, because when Lee Schwartz signs off on something, a lot of us are going to sign on.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Barkhausen, I think...I think I'm familiar with the situation you're talking about. I think I'm familiar with the situation you're talking about, but I think inadvertently you might be causing the problem. The...the municipality you're talking about purchased that water company from a private company, correct? Then, jacked up the rates. Is this Palatine? Well, I...I think what they want is there was a private company that sold it to the city and then they jacked up the rates. What you might inadvertently be doing here is any community that might be thinking about bringing in Lake Michigan water from another community that's floating a bond issue may have trouble floating that bond issue if they intend to sell water to any other community, because you're, in fact, regulating the rates; and if that's taken care of, I have no problem.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I would ask for a ruling if this is germane to the bill.

PRESIDENT:

That request is in order...let's take a look. All right, the Chair is prepared to rule that Amendment No. 1 as proffered to House Bill 1725 is not germane on the basis that it does not in any way involve the same question that's raised by the bill to which it is now attempted to be applied, and the Chair rules Amendment No. 1 nongermane. Further amend-

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ments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I would respectfully ask you to reconsider that ruling in light of...in light of the fact that the amendment, as I pointed out in my opening remarks, amends the Municipal Code, so it's germane by...by a chapter of the Statutes with which we're dealing. It also deals with...with water, and so it's germane both by subject matter and by chapter...chapters with which the bill and the...and the amendment are jointly concerned. I...I...in my two and a half years in the Legislature, I find it hard to understand how such an amendment could be ruled nongermane.

PRESIDENT:

The Chair will reconsider. Further amendments? 3rd reading.

SECRETARY:

No...no further amendments.

PRESIDENT:

3rd reading. 1760, Senator Watson. It's on the recall list, do you wish to...all right, no, that's off the list. Senator Lenke on 1847. On the Order of House Bills 3rd Reading, on the top of page 27, is House Bill 1847. Senator Lenke 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 1847, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Lenke.

PRESIDENT:

Senator Lenke.

SENATOR LEMKE:

What this amendment does is meets all the suggestions of the Department of Revenue and...which was expressed before the State Revenue Committee. I talked to the sponsors and they agree, and I think it's a good amendment and I ask for its adoption.

PRESIDENT:

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Etheredge.

SENATOR ETHEREDGE:

Did we...in reviewing the amendment it does seem to meet the requirements that are established by the department. I would like to have the understanding that the representatives of the department would have the opportunity to...to sign off on this amendment prior to the time when it comes up on 3rd reading.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

We have no objections.

PRESIDENT:

Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

Senator Lemke has moved the adoption of Amendment No. 1 to House Bill 1847. All in favor of the adoption indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the recall list, 1877, are we ready now? If you'll turn to page 41 on the Calendar, on the Agreed Bill List, Senator...Kustra seeks leave of the Body to return House Bill 1877 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 1877, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Kustra.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. These two amendments we're...which we're about to consider will become the bill itself. These two amendments have been proposed by the Commissioner of Banks and Trust. As far as I know, these amendments have also been approved by the two major State banking associations and both staffs have had an opportunity to look at them. The amendments arise from recently enacted Federal legislation, major Federal banking reform legislation, which now puts Illinois State chartered banks at a competitive disadvantage. These two amendments would deal with that problem by; number one, changing Illinois' lending limits and increasing them from fifteen to twenty percent of capital and surplus; also changing the fee structure which is allowed under current law. The fee structure change will not result in any increase in fees for banks. That is what Amendment No. 1 does. I would move for its adoption.

PRESIDENT:

Senator Kustra has moved the adoption of Amendment No. 1 to House Bill 1877. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The

amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 2, by Senator Kustra.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Amendment No. 2 deals with limitations with on investments in and loans to affiliate banks. This amendment grants parity to State chartered banks consistent again with the recent changes in Federal law. I move for its adoption.

PRESIDENT:

Senator Kustra moves the adoption of Amendment No. 2 to House Bill 1877. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it...I beg your pardon, Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, very much, Mr. President. I was listening to two conversations. If Senator Kustra could just briefly run that by me one more time, I...so...know what it does.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Yes, Senator, the...the second amendment revises sections of the Illinois Banking Act dealing with limitations on investments in and loans to affiliates. The amendment grants parity to State chartered banks consistent with the changes in the Federal Reserve Act which were made just last spring. Section 35.2 as amended will provide organized and complete guidelines to a State bank with respect to loans in and to affiliates. These...

PRESIDENT:

All right, Senator Kustra moves the adoption of Amendment No. 2 to House Bill 1877. Any discussion? If not, all in

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favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Schuneman on 1941...Senator D'Arco. Okay. On the Order of...House Bills 3rd Reading, on page 42 of the Calendar, is House Bill 1941. Senator Schuneman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of House Bills 2nd Reading, House Bill 1941, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator D'Arco.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What the amendment provides that any person who has a retirement annuity under Article XVIII of our Pension Code and is also covered under a health insurance program sponsored by a governmental employer other than the State of Illinois, that person may elect to have his spouse considered an annuitant under this Act. There is no cost involved in this amendment, and I would ask for its adoption.

PRESIDENT:

Senator D'Arco moves the adoption of Amendment No. 2 to House Bill 1941. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. We have one additional request. If you'll

turn to page...if you'll turn to page 28 on the Calendar, House Bill 1978. Senator Coffey seeks leave of the Body to return that bill to the Order of 2nd Reading of purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1978, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Coffey.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

...yes, Mr. President and members of the Senate, if I could, I would like to reconsider the vote on Amendment No. 2 which it passed yesterday to accept Amendment No. 3.

PRESIDENT:

All right, Senator Coffey, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 2 to House Bill 1978 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Coffey now moves to Table Amendment No. 2 to House Bill 1978. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is Tabled. Further amendments, Mr. Secretary?

SECRETARY:

Amendment No. 3, by Senator Coffey.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. Amendment No. 3 is the exact amendment that we passed yesterday with the exception we deleted...in the amendment yesterday we deleted Amendment No. 1 which was...an amendment that had been placed on earlier. So what this actually does,

it amends the bill with reference to page...page and lines numbers of the Senate Bill 1 on page 2 and line 9 by inserting immediately after the word "two" and...and it enters "counties," and this will clarify the problem with Amendment No. 1 yesterday.

PRESIDENT:

All right, Senator Coffey has moved the adoption of Amendment No. 3 to House Bill 1978. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. All right, if I can have the attention of the membership, we will begin on the Order of House Bills 3rd Reading where we left off yesterday which is the middle of page 12. We will again, at the joint request of myself and the Minority Leader, break for lunch; and when we return at the hour of two o'clock, we will move immediately to the Order of House Bills 2nd Reading to attempt to move some of those bills. The appropriation bills, I'm told...or it's been suggested, will be held until...for another day or so. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Mr. President, I have filed a motion in writing to discharge from the Executive Committee a Senate Resolution. I was wondering if now might be an appropriate time to consider that?

PRESIDENT:

We are not on the Order of Motions in Writing. On the Order of House Bills 3rd Reading, House Bill 1081, Senator Egan. On the Order of House Bills 3rd Reading, House Bill 1082, Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1082.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1082 is a...an Act dealing with the issue of forum nonconvenience. The net effect of this legislation would allow legislation that is filed in Illinois to stay in Illinois for those, basically, injured either here or residing here who work for multistate corporations, where that action will not crowd the court system here. The court, of course, could refuse jurisdiction where venue is proper whether it would be an imposition on the court system. Beyond that, it is very simple that it would allow those who are seeking the redress of their grievance, they have the advantage of using Illinois courts where the inconvenience would be if the corporate employer were to move them elsewhere, and I would ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 1082 pass. Those in favor...I beg your pardon...Senator DeAngelis.

SENATOR DeANGELIS:

Senator Carroll, did you put the amendment on this bill?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

I'm sorry, I didn't hear the question.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Did you put an amendment on this bill?

PRESIDENT:

Senator...Senator Carroll.

SENATOR CARROLL:

No, sir.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

I'm sorry, I was off the Floor, but does this bill not, in fact, allow you to change the venue on...which means then that you could take your court case down to St. Clair County if you want to or Madison County or...is this what it does?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

No, it does not allow you to change venue. Once venue is fixed, the case can be had there. Yes, there are several of these in St. Clair, and there are in Champaign, and there are in Cook, and everywhere else. It does not allow for a change. It allows that forum nonconvenience to apply.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I can't speak authoritatively in legal ease, but I can tell you that it is not a good bill from the standpoint of what, in fact, the legal implications are. So, I rise in opposition to it.

PRESIDENT:

Senator Carroll. I'm sorry...there's just...everybody is starting to wake up around here. Senator Johns.

SENATOR JOHNS:

As I understand it...Mr. President, as I understand this bill, the people that are against this are the railroads...they haven't spoken to you? But this means that, as I understand it, sir...that, for example, if it happens in

Arkansas it...it can be brought to Illinois? What about the railroad workers, are they for this? The railroads...

PRESIDENT:

Senator Carroll.

SENATOR JOHNS:

...the railroads are against it.

SENATOR CARROLL:

Maybe we should put some of this into the tape. Yes, the...if an employee is from Illinois or injured in Illinois, venue could be had in Illinois, he can file the suit in Illinois. Yes, there are those who are multistate who would like to make them go to Minnesota where they can't handle the case or Arkansas, or Missouri or somewhere else. This would allow them to bring it into Illinois if that's where, for example, a breakman happens to reside or be injured and he feels it's more convenient. As long as there's venue here, he can bring the case here, this bill will allow that.

PRESIDENT:

All right. The board...the board is starting to light up. Let me suggest something. The Senate will stand in Recess for fifteen minutes while everybody gets all their papers, and their conferences, and their committees, the Senate stands in Recess for fifteen minutes.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. With leave of the Body, UPI has requested permission to take some still photos. Are you ready, Sam? Leave is granted. On the Order of House Bills 3rd Reading, House Bill 1082, Senator Carroll. We might as well start over. The Chair apologizes for the interruption, Senator Carroll.

SENATOR CARROLL:

Yeah, I was wondering what...

PRESIDENT:

House Bill 1082.

SENATOR CARROLL:

...I said, Mr. President, that may have offended someone. Thank you, Mr. President, and once again, if we can start over maybe it will refresh the recollection of the membership. This bill is to set guideline by the General Assembly in the area in which the courts have exhibited some confusion as to whether once venue attach it is an appropriate forum to bring cases under these Acts. This bill merely says that the form so established by venue shall be the form unless it inconveniences the court system. We have had trial court opinions to the same. We've had some appellate to the contrary, and it is time that we do set, in fact, the guideline to allow those who bring a case in a proper venue to have the case tried there, unless, of course, it causes an inconvenience to the court. And I would ask for a favorable roll call.

PRESIDENT:

All right. Any discussion? Senator Sommer.

SENATOR SOMMER:

A question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Sommer.

SENATOR SOMMER:

Why would people from out-of-state want to flock to Madison County or to the East St. Louis area to go to court on FELA cases, Senator Carroll?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

From what we've heard from East St. Louis, people don't like to flock there for most reasons, if any reason. However, where people are either injured along a railroad line

or reside near that line which is what generally these cases are, I am told, not being from that area, that...they bring the case where their convenience and venue lies, either at the point of injury or the point of residence along the line. While I know many think that these cases are exclusive to Madison, St. Clair, I'm sure Senator Sommer knows that is, in fact, not the case. Obviously, a significant number of them are brought in Champaign County, and significant number of them are also brought in Cook County, and a significant of them are brought elsewhere in the country. The point of it is that in many cases they are attempted to be moved to places that are absolutely nowhere near the point of injury or the residence, temporary or permanent, of the injured party for the convenience of those other than those seeking a redress of their grievance.

PRESIDENT:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Carroll, I'm not sure that I or the other members understand the current law and what's wrong with it?

PRESIDENT:

Is that a statement or a question, Senator?

SENATOR BARKHAUSEN:

It's a question. I want him to explain, if he will, what's wrong with the current law.

PRESIDENT:

Senator Carroll...Senator Carroll.

SENATOR CARROLL:

Senator Barkhausen, it is my understanding that there is no finite current law. That the trial courts, in most instances, have so ruled that when venue attaches beyond an extraordinary circumstance, that they will hear that case. There was apparently an appellate case some three, four years later that said that the...in that case, the railroad could

move it to some distant jurisdiction, and then the whole case four years later had to be retried. This appears to be in a state of flux. We are attempting, therefore, by legislation to set policy, as I understand it, similar to Federal law, but to set policy in Illinois so it will be clear and finite, not in the state of flux it appears to be in.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Carroll, is it...is it true that...as I understand it, that this bill would only permit a transfer of a case if there was a burden on the court itself?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Assuming the other...no, you're wrong, because it also has to have the other procedures of law followed. For example, venue, if there is no venue there is no case. This does not impact that. There must be venue first, venue must attach. Then if it's a substantial burden on the court, they can allow it to be transferred out, but venue has to attach, there has to be service of process and everything else. This does not impact any of that.

PRESIDENT:

...Senator Barkhausen.

SENATOR BARKHAUSEN:

One...one further question, please, and then...and then a comment. In a situation where the plaintiff lives in Louisiana and the injury occurs in Louisiana, but for some reason known only to a few lawyers, I guess, the case is filed in Madison County, under this bill if the defendant wanted to have the case transferred to, say, Louisiana because that's where the injury occurred and the plaintiff lives, on the grounds that was the most convenient forum for

the parties, would the defendant be able to make such a motion if this bill passes?

PRESIDENT:

Further discussion? Senator Dawson.

SENATOR DAWSON:

Question of the sponsor, please.

PRESIDENT:

Indicates he'll yield, Senator Dawson.

SENATOR DAWSON:

How we are...under admiralty law under the Jones Act would this mean that any vessel that comes into the State of Illinois or anybody on the rivers would be required to come back to the State of Illinois to hear their case?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

No.

PRESIDENT:

Senator Dawson. Further discussion? Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

He indicates he will yield, Senator Fawell.

SENATOR FAWELL:

I am not a lawyer and I would like the answer to Senator Barkhausen's question. You know, can that happen? If a...if a plaintiff...if a...a defendant lives in Louisiana and his...and his injury was in Louisiana and he moves it up to Madison County, can he petition to have that...that court case be brought back to Louisiana?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

You know, I saw a question like that on a bar examine once. I don't think that there is an easy answer, those are hypothetical question. There's a lot of other things that would have to attach before the case could be brought in Illinois. If it's not a proper case in Illinois, it can't be brought here. I don't know what else facts are in there, if there is no venue here, for example, the case would be moved to Louisiana.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Let's make it a little simpler. DuPage County is not known for giving out big verdicts, Chicago is, can that type of situation happen?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Again, Senator Fawell, I don't mean to obfuscate an answer, but if there is no venue, the case would stay in DuPage, if there's no venue in Cook. There has to be a reason for it being in the county.

PRESIDENT:

Further discussion? Further discussion? Channel 25, WEEK-TV, from Peoria wishes permission to videotape. Leave granted? Leave is granted. The gentleman from Peoria, Senator Bloom.

SENATOR BLOOM:

I wish...thank you, Mr. President, I wish you'd given them permission afterwards. Let me clear something...or try to clear something up from some of the prior questions. The concerns that have been raised by the railroads is that this legislation would encourage forum shopping, and, for course, they're saying that the plaintiff in one of those

hypothetical situations would come to Madison or St. Clair, and then even though the accident occurred in Louisiana that the railroad or the barge line would be trapped there, that's not quite accurate. One of the reasons the language is in there about inconvenience to the court and so on and so forth, and one of the concerns that has been raised by the opponents of this is that they would, under this law, be unable to subpoena their witnesses. Now, it seems perfectly clear that if the party cannot defend his...his case or its case, and that the court process would be subverted, otherwise, that then, yes, you could transfer for...forums, 'cause you go in and you say, Dear Court, the following witnesses we need to defend our case, and because it would be a burden on the court or the court would be unable to give...give process to get these witnesses, then you can switch...forums. So, I think that some of those concerns are ill-founded. Thank you.

PRESIDENT:

Further discussion? Any further discussion? Senator Carroll may close.

SENATOR CARROLL:

Since the Peoria station doesn't cover my district, I would ask for a favorable roll call.

PRESIDENT:

The question is, shall House Bill 1082 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 26, 1 voting Present. House Bill 1082 having received the required constitutional majority is declared passed. Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

Request a verification.

PRESIDENT:

All right, Senator Barkhausen has requested a verification. Will the members please be in their seats. Mr. Secretary, please, read the affirmative roll call.

SECRETARY:

The following voted in the affirmative: Becker, Berman, Bloom, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco, Darrow, Degnan, Demuzio, Egan, Geo-Karis, Hall, Holmberg, Jones, Jeremiah Joyce, Lechowicz, Lemke, Luft, Marovitz, Netsch, Newhouse, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDENT:

Senator Barkhausen, do you...do you question the presence of any member?

SENATOR BARKHAUSEN:

Senator D'Arco.

PRESIDENT:

Senator D'Arco is in front of his chair.

SENATOR BARKHAUSEN:

Senator Newhouse.

PRESIDENT:

Senator Newhouse is on the Floor.

SENATOR BARKHAUSEN:

Senator Becker.

PRESIDENT:

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

SENATOR BARKHAUSEN:

No further questions.

PRESIDENT:

All right, the roll has been verified. On that question, there are 29, Ayes and 26 Nays. And the sponsor requests that further consideration be postponed. Yes, Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Mr. President, I hate to put the Body through it, but I'd like to reconsider the vote, having voted the prevailing side.

PRESIDENT:

All right, Senator Kelly has moved to...having voted on the prevailing side, moves to reconsider the vote by which House Bill 1082 was declared lost. Those in favor of the motion to reconsider 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 31 Ayes, and 25 Nays, and 1 voting Present. The vote is reconsidered. On the question. The question is, shall House Bill 1082 pass. Question is, shall House Bill 1082 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 31 Ayes, 25 Nays, 1 voting Present. House Bill 1082 having received the required constitutional majority is declared passed. Senator Lemke, for what purpose do you arise? Senator Lemke, having voted on the prevailing side moves to reconsider the vote. Senator Sam moves to Table that motion. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Motion to Table prevails. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

I respectfully ask for a Recess for a Republican Caucus immediately in Senator Philip's office.

PRESIDENT:

That request is in order. The Senate will stand in Recess...do you have any idea of the length...should we just pick a time?

SENATOR DAVIDSON:

I'd...I'd say thirty minutes.

PRESIDENT:

All right. Senate will stand in Recess until eleven
forty-five.

RECESS

END OF REEL

REEL #2

AFTER RECESS

PRESIDENT:

The Senate will come to order. The last order of business was House Bill 1082. The Chair apologizes to the Body. The Chair made a mistake. The motion was out of order. The roll call had been verified. It was indicated that there were less than sufficient votes to secure approval. Sponsor had requested...further consideration be postponed. The Chair had so ruled, and thus the...with leave of the Body, House Bill 1082 will be shown on the Order of Consideration Postponed; and the Journal, with leave of the Body will stand corrected. Leave is granted. We have...again, intend to break for lunch. I would...well, no. We will return at the hour of two o'clock and begin on the Calendar on House Bill 1083. We will begin supper at...right after we adjourn at six o'clock. So with...Senate will stand in Recess until the hour of two o'clock. At two o'clock we will begin, Senator Marovitz, with House Bill 1083, and I want you all back for 1083 and 1086, otherwise, Senator Marovitz will get mad. Senator DeAngelis.

SENATOR DeANGELIS:

Well, Mr. President, while you're having lunch and without an attempt to spoil it, there were several rulings made in the last two days regarding germaness that were contrary to the precedents set in this Body, and I would like...because there are...that issue maybe coming up...

PRESIDENT:

Yes.

SENATOR DeANGELIS:

...that you give some consideration and explaining to the Body what future considerations are going to be given to the germaness after we come back from lunch.

PRESIDENT:

Well, that matter...I can tell you before we go to lunch so that you too will enjoy your lunch. That matter is currently under reconsideration and the opportunity for recalling bills for the purpose of an amendment will be afforded to the membership through Sunday. Monday, I expect, we will...be on 3rd reading probably early till late, but up...up through the close of business on Sunday, which we hope will be about the hour of...which we know will be about the hour of two o'clock, the opportunity for recalls will be afforded to members, and I appreciate your concerns. Senator DeAngelis.

SENATOR DeANGELIS:

No, my question, Mr. President, maybe I put it incorrectly, is that you might give some guidance to the Body on how you're going to rule on germaness. There have been two decisions made and maybe you're...

PRESIDENT:

Both...both of which I am prepared to defend. Both of which I am prepared to rethink but still defend. But the Chair does not indulge in the academic exercise of hypotheticals. The Chair, unfortunately or fortunately as one wishes, has the opportunity from time to time to make rulings, and I'm suggesting that sometimes they're right and sometimes...fewer times they're wrong. Recess until the hour of two o'clock.

RECESS

AFTER RECESS

PRESIDENT:

The hour of two having arrived, the Senate will recon-

vene. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 271 offered by Senator Lemke, Savickas and all members, and it's congratulatory.

Senate Resolution 272, by Senator Lemke, Sangmeister and others, and it's commendatory.

Senate Resolution 273, by Senator Lemke and all members, and it's congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 274, by Senator Darrow.

PRESIDENT:

Executive. On the Order of House Bills 3rd Reading is House Bill 1083. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1083.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 1083 requires the Department of Public Health to monitor and study on an ongoing basis the relationship between adverse reproductive out...outcome; that is, low birth weight, fetal death or deformity, infant mortality and morbidity, and parental occupations. The need for this is based on a review of literature and a public hearing on reproduction hazards in the work place. The hearing demonstrated that exposure to certain physical and chemical hazards could affect a worker's reproductive health. In some instances, hazardous materials can be transmitted from a worker to family members. The Illinois Department of Public

Health collects and maintains certain health records, but rarely analysis or uses this information to independently determine the origin or cause of diseases or major health problems. These are functions most commonly associated with the National Center for Health Disease Control, the U.S. Department of Labor, the U.S. Department of Agriculture or sophisticated research units of various colleges and universities. For this reason, IDPH would probably contract the proposed study out rather than conduct it in-house. Today workers are exposed to physical and chemical hazards everyday that may enter the body in several ways; inhalation, ingestion, absorption. Each agent or chemical can affect one or more parts of the body. Many...substances, such as lead, can affect women and men's reproductive ability. Reproductive hazards in the work place reach beyond exposure to the workers themselves as research on vinyl chloride and aesthetic gases show higher rates of birth defects, spontaneous abortions and other reproductive abnormalities, not only among women workers but among wives of exposed male workers. Hazardous substances can be brought home and transmitted to the worker's family causing a pregnant or breast-feeding wife or young child to be exposed to these hazards. These toxic substances cause reproductive hazard in the work places for both men and women. The adverse effects depend on when a worker is exposed and range from...menstrual disorders and...impotency prior to conception, to learning disabilities and physical disorders in the offspring. So, you can see that this will be a long-term gain in the possible prevention of learning disabilities and physical disorders and abnormalities in young and newborns. More than four hundred thousand chemicals are produced in the United States of which tens of thousands are commercially important; yet data of varying reliability on reproductive toxicity exists for relatively few of those compounds. Much of the difficulty in

developing appropriate regulations, environmental monitoring of the work place and medical surveillance of exposed workers has been due to the lack of adequate scientific data. This will just allow studying of these abnormalities in hopes of producing fewer birth defects, and I would ask for an affirmative roll call.

PRESIDENT:

I just wanted Senator DeAngelis to know, this speech could have gone on for ten more minutes. Any discussion? Question is, shall House Bill 1083 pass. Those in...yes, Senator Kelly.

SENATOR KELLY:

Yes, thank you, Mr. President. I would like to ask the sponsor a question or two.

PRESIDENT:

Indicates he'll yield.

SENATOR KELLY:

What about these birth defects or fetal deaths and so forth, you know, what are you doing in that area specifically?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

All we're doing is studying the relationship between birth defects and those kinds of things and...and the work place. In other words, are these caused by where...where men or women work, the exposure to certain chemicals. We want to prevent abnormal babies; we want to prevent abnormal births; we want to prevent learning disabilities, and this is just a study to try and prevent them. This is...let me make this very clear, and I'm sure I can probably read my friend's mind, this is not a Right to Life or Pro Choice bill in any way. It has nothing to do with that whatsoever.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

One more question. On the...what...what are you doing as far as any experimentation? Is there anything involved in here dealing with anything with the experimentation of fetuses or anything like that?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Absolutely nothing whatsoever.

PRESIDENT:

Further discussion? Senator Kent, before I call upon you, WCIA-TV requests permission to videotape the proceeding. Is leave granted? Leave is granted. Senator Kent.

SENATOR KENT:

Do you have...or question of the sponsor.

PRESIDENT:

He indicates he'll yield, Senator Kent.

SENATOR KENT:

Do you have any indication of the cost of this?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

The cost of this would be absolutely minimal. Certainly no more than perhaps the...the twenty-five or fifty thousand dollar range, and...and the long-term gain in preventing birth defects and learning disabilities to...to newborns and young children would be very substantial.

PRESIDENT:

Senator Kent.

SENATOR KENT:

What do you propose...what are going to be done with these studies? What are they intend to do with them?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Hopefully, if we find that there is a cause or relationship between certain chemicals and certain work related professions in birth defects that we will be able to prevent them and prevent newborns and...and young children from being born with these...with these type of defects, in...in educating people to the possible cause...cause or relationship between...certain work related jobs and...and the...the ultimate birth of deformed and abnormal children.

PRESIDENT:

Senator Kent.

SENATOR KENT:

Who exactly will make the studies? In...in your earlier remarks, I think you said they would contract out for this.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

This is up to...it's...it's totally in the hands of the Department of Public Health, totally.

PRESIDENT:

Senator Kent.

SENATOR KENT:

I...I would just like to point out that our figures are a little different on the cost. We have seventy-three thousand six hundred and thirty-five plus the...the...EDP costs, and I think that although it's a laudable approach or a laudable cause, I don't think this is the time to do it.

PRESIDENT:

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I think Senator Kent has probably already asked my basic question. I did want to...mention the

fact...Representative...will the...

PRESIDENT:

Senator.

SENATOR HUDSON:

Will the Senator respond to a question?

PRESIDENT:

Indicates he'll yield, Senator.

SENATOR HUDSON:

Our analysis, Senator Marovitz, indicates that the Department of Public Health is opposed to this bill because of the identifiable costs which Senator Kent mentioned; plus, an indeterminate amount for electronic data processing services. Would you respond to that?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I'd be happy to respond. I have not spoken to the Department of Public Health at all. My...my understanding is that their only opposition is...is not to the study at all, but to the possible fiscal implications being, as Senator Kent said, about seventy thousand dollars, that is it.

PRESIDENT:

Further discussion? Further discussion? Senator Marovitz, you wish to close? Oh, Senator Joyce.

SENATOR JEROME JOYCE:

Well, thank you, Mr. President. I think seventy thousand dollars or a hundred and seventy thousand dollars...one infant that's born with a defect that we could save would save the parents of that infant and probably the State of Illinois many, many more times than that. I think this is an excellent bill, and we all should support it.

PRESIDENT:

Senator Marovitz, you wish to close?

SENATOR MAROVITZ:

I would just ask for an affirmative roll call for the health and safety for newborns and young children in the State of Illinois.

PRESIDENT:

The question is, shall House Bill 1083 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, the Ayes are 25, the Nays are 22. Sponsor requests that further consideration of House Bill 1083 be postponed. It's so ordered. 1086. On the Order of House Bills 3rd Reading is House Bill 1086. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1086.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 1086 prohibits the sale of any unwrapped candy, dried fruit or shelled nuts in a manner other than by display in storage, in secure dispensers or display in its...which prevent direct handling of such items by the customers. The Act does not, and I will...reiterate, the Act does not affect self-service stands in grocery stores and other establishments as long as the dispenser's use prevent the direct handling of the foregoing items. This is just as...it's recommended by the...candy industry. It's designed to protect the consumer from handling of those candies...unwrapped candies, and I know of absolutely no opposition to this bill, and I'd ask for an affirmative roll call.

PRESIDENT:

Any discussion? Is there any discussion? The question is, shall House Bill 1086 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 4, 2 voting Present. House Bill 1086 having received the required constitutional majority is declared passed. Senator Jones on 1092. On the Order of House Bills 3rd Reading is House Bill 1092. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1092.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. I'd like to take the bill out of the record at...at this time, with leave of the Body, to recall it later in the call.

PRESIDENT:

To recall it later, what does that mean?

SENATOR JONES:

Upon my request to get back to the bill.

PRESIDENT:

Is leave granted? Leave is granted. All right, leave is not granted. Question is, the gentleman...has asked that at some point later in the proceeding we get back to 1092. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a courtesy that we've always afforded people. I don't why we have to have...a roll call vote on this par-

ticular bill. The sponsor has always been allowed to get his bill in the proper shape, and I think that...

PRESIDENT:

...it's not a question of recall; it's a question of calling it when he wishes.

SENATOR HALL:

Oh, well, I meant at a...at a later time...what I had reference to.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Question of parliamentary inquiry. Is the motion before the Chair that Senator Jones can decide where on the Calendar he will call the bill, or is it just pass it now and when we go through the Calendar again and come to it again it will be called?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones, the motion was to have leave to return to this bill at...at a request, basically, worked out between the Chair and the sponsor, but I believe that would be...the nature would be to go back when...when Senator Jones wished to and the Chair could accommodate the request. Senator Carroll.

SENATOR CARROLL:

To the knowledge of the Chair, have we done that before for other members for other bills on a regular basis that when...when the member wants to call, it'll be called instead of going through the Calendar?

PRESIDING OFFICER: (SENATOR BRUCE)

We have done it. Yesterday, Senator Davidson, on the school aid bill...it was...but I must say that it was with leave of the Body that we would get back to it when we got everything worked out. Senator Carroll. Senator Rock.

SENATOR ROCK:

Well, I...I just want to make perfectly clear what...what the motion is because, frankly, sitting in the Chair, I...I was not in a position to engage in any dialogue. What is it exactly that the gentleman requests?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

Request leave that the bill not be heard at this time. To get back to it at a later point in time during the call.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Does the gentleman request leave to get back to it today at his request?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

If things that are worked out on the legislation that I am concerned about, yes. If not, then we'll go back to the regular order of call.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, I am perfectly prepared, with leave of the Body, to do exactly that. I...I wish only that the gentleman would be a little more specific. As everyone I'm sure is painfully aware, Monday, June the 27th is the last day to consider House bills in the Senate on the Order of 3rd Reading. We are making a legitimate attempt, I think, to go through the Calendar in order without regard to sponsorship or content right down the pike, and...and if for some reason the gentleman doesn't wish to call it now, I suggest that we'll get to it on Monday.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

My request is that in the event I wish to call the bill later, as you have done for other members of this Body, I request leave to come back to the bill. It happened yesterday on a piece of legislation, it happened several times in this Body. So, if we can get back to the bill if I so request, I'd like to come back to the bill. If we debate the bill at this particular point in time, it will take up just as much time now as it would take later. So, if I decide not to...if I decide not to go back to the bill today, then it'll be called in...in the regular order, but just in case I want to bring it back for a vote today, I...I would like leave of the Body to...to have that permission.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

And the request is in order, but it does, in fact, take leave of the Body.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, leave...there has been objection. The...the motion is in order. Senator Jeremiah Joyce is recognized.

SENATOR JEREMIAH JOYCE:

Well, I...I continue to object and I'd like a roll call on it.

PRESIDING OFFICER: (SENATOR BRUCE)

Fine, we're on the motion. Further discussion? Senator Luft.

SENATOR LUFT:

Yes, Mr. President, I'd just like to ask one question. What we're saying is that somewhere today, for example, if we were between House Bill 1367 and 1368 and Senator Jones decided at that time he'd like to hear his bill, that can happen? He can decide at any point between here and the time

we get out of here today when this bill is going to be held...heard?

PRESIDING OFFICER: (SENATOR BRUCE)

That is the basic essence of his motion. We would get to it at the request of the sponsor. Further discussion on the motion? Senator Lemke, did you wish to comment? Senator Carroll, did you? Senator Carroll.

SENATOR CARROLL:

Just again parliamentary inquiry, since...it's a little bit unusual. As I understand it, it takes unanimous consent to...to do as Senator Jones is asking. Objection have been raised by Senator Joyce which denies unanimous consent; therefore, there should be nothing to discuss.

PRESIDING OFFICER: (SENATOR BRUCE)

...no. The nature is in...in the...under the rules, we are required to go through bills in order as they appear on the Calendar, and technically the...the motion of Senator Jones is...is to suspend that rule, and he has technically sought leave which was not granted. Now, the...the motion more technically stated might be to suspend the rules so that at the request...of the sponsor we would go out of the ordinary course of business during today to go to the Order of House Bill 1092 and that would be the precise parliamentary statement of the motion. Senator Berman.

SENATOR BERMAN:

Well, on a parliamentary inquiry, Mr. President, I would suggest that instead of asking for a vote on a time that may not be reached, that the motion at this time really is not in order. At the time that Senator Jones wishes to have his bill called, he would ask to be recognized and ask to waive the rules and have the bill heard at that time. That time may or may not be reached today. So, I suggest to the Chair that his asking for leave is really unnecessary. We don't know if he's going to even get to that point. When he gets to it, he

asks for leave to go out of order, and at that time, the motion would be properly put before th Body.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Zito.

SENATOR ZITO:

Mr. President and members, we have wasted...it's two-thirty now. We have wasted the better part of the day with no business done in this Chamber. We've wasted more time right now deciding whether we should call the bill or not call the bill than it would have taken to discuss the bill. Let's get on with the matters of the Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Kenneth Hall.

SENATOR HALL:

I yield to Senator Jones.

PRESIDING OFFICER: (SENATOR BRUCE)

Well...all right. You do not wish to comment, Senator Hall? Senator Collins. All right. Further discussion? Further discussion? Senator Jones may close.

SENATOR JONES:

Yeah, thank you, Mr. President. Having served on this side of the rotunda...since January and I have seen this request made many time by sponsors of legislation, but those who say it takes a unanimous consent of the Body for that...for that request, I don't see why those same individuals object to this bill being called later. And, Senator Berman, when you indicated that matter when you were debating the School Aid Formula with Senator Davidson,...that request was to take that bill out of the record and get back to it when we have the information that he has distributed. So, why you would object to this...coming back to this bill is not consistent with what is happening in the past. So, I...I make the request of the Chair and leave of the Body to come back to this bill while we are on 3rd reading.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to suspend the rules so that we might go out of the ordinary order of business at the request of the sponsor to the Order of House Bill 1092 during today's Session. On that motion, those in favor vote Aye. Those opposed will vote Nay. The voting is open. The motion requires thirty affirmative votes. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 8, 3 voting Present. The rules are suspended and the Body will go back to the Order of House Bill 1092 at the request of the sponsor during today's Session. House Bill 1101, Senator Bloom. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1101.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. Basically this bill addresses an ongoing problem that the Joint Committee on Administrative Rules is confronted with and that is, where agencies...where agencies get programs, they wait and wait and wait until they adopt regulations and then will come in on a preemptory or emergency basis, and in reality these emergencies are self-imposed. So, basically, 1101 mandates the...agencies to adopt their rules in a timely and expeditious manner. I'll answer any questions, otherwise, seek a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall...Senator Berman, did you wish to comment on your bill? Question is, shall House Bill 1101 pass. Those in

HB 1105
3rd reading

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 1101 having received the required constitutional majority is declared passed. House Bill 1105, Senator Berman. Senator Berman is recognized.

SENATOR BERMAN:

Before we get to that order of business, Mr. President, if I might...and, Senator Davidson...Senator Davidson, everybody, I think, has received two printouts on your desk. This relates to House Bill 1182 which is on 3rd reading and we had talked about bringing it back for purposes of several amendments. In order to try to save everybody some time, before we get to that bill at sometime, I thought I would explain what these two printouts are so that our staff is saved a little bit of time of explaining it to each individually. If you'll look at one of the printouts, on the very top line, there is in the second column, it says, "estimated '83-'84 per HB2384 at seventeen hundred and sixty-four dollars and forty-five cents with 80C." That printout...that printout is an explanation of amendments for House Bill 1182 and the allocation of the School Aid Formula. In column one is last year's appropriation. Column two is where we would...is the money you would...your school districts would get if there is an appropriation of one billion four hundred and thirty-seven million dollars. That means then, in anticipation of the Governor's tax increase at the State Board of Education level of funding and no change regarding Title I weighting. The second column is the money you'd get under those circumstances with the Davidson amendment. In column three...column four, the last column, is what your school districts would get if my amendment is adopted. That's the explanation of that printout. The other printout that you

received and on that one the second column has the figure, at the top of the first page, of seventeen hundred and thirty-two dollars and seventy-five cents. That is a printout with an appropriation level of one billion three hundred and eighty-two million dollars...approximately fifty million dollars less. That's a printout that's taken that figure that payout level, so that's why you have a lower foundation level on the second printout than you had on the first. Again, column two is that there would be no change in Title I weighting; column two...column three would be the Davidson amendment, and column four is the Berman amendment. If I haven't thoroughly confused you, I'll be amazed. I thought it might save you some time in trying to figure out what these amendments will do for you or to you depending upon where you're from. Thank you, Mr. President. Our staffs will be glad to answer any questions you may have.

PRESIDING OFFICER: (SENATOR BRUCE)

Questions? Senator Buzbee, on the matter of the formula printout. Senator Buzbee.

SENATOR BUZBEE:

Okay, Art, one more time slowly. What did the two printouts...or the difference in the two printouts are...are is the difference of fifty million dollars in total appropriations, is that correct? And then,...and well, first of all let me ask another question or two then. And then on columns three and four in each printout is a comparison of your amendment as...as opposed to Senator Davidson's amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Your're correct, except column three is Davidson, column four is Berman.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BERMAN:

On both...on both printouts.

SENATOR BUZBEE:

Oh, okay. Now we've got...okay. Column three is Davidson and column four is Berman, and...and then the difference and the total support amount per student...the difference in 1764 and 1732 in columns two of each situation are a difference of fifty million dollars total appropriations, and what does column two show, by the way?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Column two shows no change in Title I handling. It would mean that every school district would be measured by their '80...1980 census count of Title I children. That's what the...if you'll look at the top of the column, the last line says with 80C meaning the 1980 census. If no amendments are adopted and nothing...passes out of Legislature changing Title I, the second column is what your school districts would receive under the appropriation level that's shown on the very last page of both printouts.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Davidson, did you wish to comment?

SENATOR DAVIDSON:

Only one additional comment. I'm sure that Senator Berman and I will be glad to try to explain to anybody about it, but probably the two people who can explain it more thoroughly than either he or I is Jean Williams on Democrat staff and Diane Ford on our staff, and I would suggest if you have any questions, contact them or to Senator Berman or myself and we'll do our best to...to straighten out any confusion.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. We were on the business of House Bill 1105. Read the bill, Mr. Secretary, please, it has not been read

H.B. 1108
3rd reading

yet.

SECRETARY:

House Bill 1105.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1105...

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Berman, may...may I interrupt you for just a moment? Kelly Smith of Channel 20 requests permission to videotape the proceedings. Is there leave? Leave is granted. I apologize, Senator Berman, but I didn't want you to have to give your comments twice.

SENATOR BERMAN:

All right, thank you. Mr. President and Ladies and Gentlemen of the Senate, and Kelly Smith, House Bill 1105 deals with the procedures involved in the placing of handicapped children under the due process provisions involved in Article XIV of the School Code. It sets out the due process procedures, in particular it provides that a due process hearing will be available in the placement decision involving handicapped children. Be glad to respond to any questions and solicit an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall House Bill 1105 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 1, 3 voting Present. House Bill 1105 having received the required constitutional majority is declared passed. House

Bill 1108, Senator Welch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1108.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill requires the Pollution Control Board to adopt permit and inspection fees for hazardous waste disposal by January 1 of 1984. Furthermore, it creates the Hazardous Waste Advisory Council consisting of fourteen members and establishes protections for employees within the Act who are fired because of discrimination against them for making reports. The amendment to the bill also allows a Hazardous Waste Advisory Council to employee personnel and creates the Environmental Protection Permit and Inspection Fund, and furthermore it makes technical changes within the bill itself. I would move for the adoption and passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there...is there any discussion? If not, the question is, shall House Bill 1108 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 52, the Nays are none, none voting Present. House Bill 1108 having received the constitutional majority is declared passed. House Bill 1117, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1117.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I would want to first point out that this is not the bill as placed on the Calendar in which it indicates that there is an increase in the Bond Fund. There is no increase. What this does is, you know, we stopped the whole idea of the School Construction Bond Act. Most of the bonds have been issued and utilized. The State Board of Education came with this legislation. As amended in the House, it merely transfers thirty million dollars in...in bond authorization from construction to debt service. It has been the State Board's and most of the school board's across the State of Illinois that we have done sufficient construction. Now, the problem is paying off the bonds. This merely transfers construction authority to pay off the bonds already issued so that we, in fact, do not incur anymore liability. I know of no opposition. I solicit your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Sommer.

SENATOR SOMMER:

Briefly, Mr. President, this is the authorization bill for new capital too, is it not, Senator Bruce?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

I...I could not hear his question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

This is, indeed, the authorization bill for new capital. It's now...it's now leveled at one dollar, but don't allow your House sponsor to call it on concurrence or we'll have

not...no authorization bill available.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Yes, I...I had...there is a dollar in here and I am told by the wizards of appropriation that this going to be the vehicle bill for all the capital in this State, and so I...it will come back in a new form, I guess, that is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, there has been some interest in this bill in my district because of several schools who have had to evacuate school buildings because of fire marshal orders recently. Are you telling us that there is no new construction money in the bill now?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

That is correct....I had the similar problem in my district and my understanding of the available bonds, there is something like three and a half million dollars left in the School Construction Bond Fund which are really committed to other school districts. 99.9 percent of the bonded money is out. All this is is to pay the debt service on the preexisting and already issued bonds and...and the House would not raise the bond limit. It came over here without an increase.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 1117 pass. Those in favor will vote Aye.

HB 1121
2nd Reading
HB 1120
3rd reading

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 52, the Nays are 3, 1 voting Present. House Bill 1117 having received the constitutional majority is declared passed. House Bill 1120, Senator Holmberg. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1120.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

This bill is one of the State Board of Education's legislative recommendations for 1983, and it provides that for State reimbursement purposes up to twenty percent of unreimbursed transportation costs may be considered when determining the per capita costs of special education facilities. Sounds very complicated but it simply is a method of standardizing the formula used by local school districts. I know of no opposition to the bill. It passed out of committee 15 to nothing and out of the House 113 to nothing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1120 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 55, the Nays are none, none voting Present. House Bill 1120 having received the constitutional majority is declared passed. House Bill 1121, Senator Egan. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1121.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. House Bill 1121 provides for certifications for persons engaging in selling, fitting, dispensing or servicing hearing aids throughout the State of Illinois. This is...we are one of two states remaining in the union, Alaska and Illinois, that do not have any restrictions at all on dispensing, servicing, selling and fitting hearing aid devices. It...it requires certification, it's not a licensing bill. The Department of Public Health will administer the...the Act. In order to get a certificate, you've got to pass an examination and pay a fee. It's self-sufficiently funded and I think that over the negotiations throughout the past few weeks we have eliminated, I think, every objection that the bill originally had, and I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is,...oh, I'm sorry, I didn't hear you, Senator. Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. I thought we were supposed to push our little buttons and you looked at the board and if they blinked at you, then you would do that. Well, I'll be brief. Rise in opposition for these reasons; first, the Sunset Committee voted against this particular form of...of regulation. They felt that a less restrictive form of regulation probably would have been certification and strengthening some provisions of the Consumer Protection and...Deceptive Practices Act. Under this...under this there's an extensive statutory scheme, regulatory scheme, as

well as a grandfather provision for people in there, but essentially there's a less restrictive form of regulation to remedy the evil that it seeks to remedy and there's no question that there was a problem. The bill has been improved a little bit in excluding mail order houses, as I understand it, but by and large, the testimony we heard, and there was mixed testimony, was that the individual from the Attorney General's Office kind of wanted to prove his case is up without testimony and the licensure no one had really looked at it and...and looked at a less restrictive form of regulation. There's no doubt that perhaps some activity...is necessary in this area, but I would say not...not complete licensure and that kind of regulation. There's a less restrictive way to go, and I would urge us not to go down this road. Thank you, very much.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR EGAN:

Well, in...in that vein, Senator Bloom, then...I agree. The...the...this is not a licensing bill, it's a certification that requires an examination. Today we don't know how many dispensers there are, and at least we'd have a handle on the numbers and who they are and now they have to take an examination, and I think for anyone who within...with a hearing impairment it's only fair, and I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 1121 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 13, 2 voting Present. House Bill 1121 having received the constitutional majority is declared

passed. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State you point.

SENATOR DEMUZIO:

If...I was off the Floor on House Bill 1120. Had I been in my seat, I would have voted Aye. I wish the record to so reflect.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. Senator Buzbee.

SENATOR BUZBEE:

Mr. President, with the leave of Senator Collins, I would at this time ask to replace Senator Collins as the principle sponsor of House Bill 1179. She has agreed to this. If, Senator Collins...Senator Collins.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You...you've heard the motion by Senator Buzbee.

SENATOR BUZBEE:

I am requesting to replace you as the principle sponsor of House Bill 1179.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there...Senator Collins says she has no objections. Is leave granted? Leave is granted. The record will show Senator Buzbee as the chief sponsor of House Bill 1179. Senator Carroll.

SENATOR CARROLL:

Yeah, while we're on this order, I'd...I'd like the...the Journal to reflect that either the electronic wizardry or one of my seatmates made a mistake. I had intended to for Aye on House Bill 670. I see now that the roll call does not so reflect, and I would ask that the Journal so reflect.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Journal will so reflect. For what purpose Senator

Fawell arise?

SENATOR FAWELL:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR FAWELL:

I got a...I got a very nice thank you note from all of the Girl Scouts and they sent more cookies over. Again, they didn't send enough over. I am going to ask them to be passed on the Democratic side. Anybody who didn't get one, on your scout's honor, take one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

House Bill 1133, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1133.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. House Bill 1133 changes the manner in which the sales tax on motor fuel is going to be collected in the State of Illinois. As you know, presently, the motor fuel tax funds are collected by the distributors. What this bill will propose is that at the distribution level, and a tax would be paid by the distributor as opposed to the retailer. The bill mandates a three cents per gallon precollection of the ROT by the distributor. They would precollect it and remit it in a more timely fashion. It continues to allow the retailer to claim his existing two percent collection allowance for both what is prepaid and what he pays at the end of each month. I believe that it would stop a great deal of the sale tax

cheating which the Department of Revenue estimates to go into the sixties of millions of dollars a year. I think that the...the proposal has been worked out. There are roughly eight hundred distributors versus seven thousand retailers. I believe the...the bill in its present form ought to be enacted by this Body.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. All of us agree that we need to do something to tighten up the collection of sales tax on motor fuel, but I would have to say that I consider this bill an insult both to the intelligence and, in a sense, to the integrity of this Body; and I hasten to add that that is no reflection at all on either the House or the Senate sponsor of the bill, neither of whom have been involved in the tortured and not terribly attractive past history of this piece of legislation. What we have now is...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Pardon me, Senator Netsch, can we have some order? Senator Netsch.

SENATOR NETSCH:

...thank you, Mr. President. What we have now is a bill only slightly better than a similar bill. First of all, a...I think it was Senate Bill 1530 and then, subsequently, House Bill 2285 in the last Session which this Senate defeated on several occasions, and on the last occasion was so incensed by the toying with its procedures and the integrity of a commitment that had been made that the bill got only thirteen votes when it was called for final reading. What we have in this bill now is an attempt to collect the additional sales tax money by pretending that all of the cheating is being done by the retailers and not by a combination of retailers and wholesalers. We all agree that we want to put a stop to

that. The Department of Revenue has said and this Senate said on three occasions last Session that the most critical thing to stop that kind of cheating was to set up an audit trail so that the Department of Revenue would know where the gasoline was...was being sold and from whom the retailers were purchasing it so they could, in fact, trace the...the flow of the gasoline and make sure that they were getting all the tax due. Their records currently show that retailers are reporting more sales than the wholesalers and most dramatically in the case of diesel fuel. That strongly suggests that not all of the cheating is taking place at the retail level. The...some of the audit provisions are in the bill as it is before us right now, that is true. They were forced onto the bill in Senate Committee by Senator DeAngelis' amendment. The people who initiated this bill started the bill and passed it all the way through the House with the most gaping hole that would have produced considerably more cheating than is...even taking place right now. That to me suggests they were never in very good faith. What they really want is a club to hold over the heads of the independent retailers. If they wanted only to get more money collected, they would have taken the advice of the Department of Revenue from the beginning. What was needed was a careful audit trail. Instead, they are forcing prepayment, they are on to the retailers whose cash flow problems are fairly severe to begin with and who are in less position to make the prepayment. They are also requiring the Department of Revenue to set up an entirely new system of collecting the sales tax, shifting it from one level to another level. I question the good faith of those who initiated this bill. I most certainly, strongly object to the way in which they have played games with the Senate and the Senate's past treatment of this issue. I strongly encourage that we do indeed have the reporting provisions which we have had several times offered in

the past, but we do not need to shift the incidents of this tax; we do not need to force prepayment onto the retailers. That is just window dressing. That is not what is going to close the loopholes. I don't think this bill ought to pass. I am aware of how carefully it has been worked in the Senate. I expect it will pass. I think it is an insult to our intelligence and, as I said, in a sense, to our integrity as well.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR JOHNS:

Senator Bruce, as I understood this piece of legislation, you would ask the distributors to collect the tax and eliminate the retailers from having to do so, is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

No. The...the idea is that the distributors would prepay three cents a gallon so that we would have a quicker collection. Then the retailer would continue to pay the sales tax on both the prepaid portion and the portion that was still due the State of Illinois, and, Senator Johns, he would continue to receive the credit, which he presently does, for that service he provides to the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns.

SENATOR JOHNS:

I think that you and I are on the same vein, because I used to be a distributor, and it's much more effective if the money is withheld at...at the distribution point than going

to the retailer and collecting from him. It's a double piece of work really. Now, let me tell you if you could amend this bill how many millions of dollars you could collect if you'd stopped each gasoline truck coming in from Missouri and Kentucky and said give us your bill of lading, give that to the Department of Revenue, tell us your destination because we have got millions of gallons of gasoline coming in illegally where distributors, which I was one for a major brand, are now today selling that directly from the distribution point, say in Cape Girardeau to a station site delivered, there's no tax collected on that for the State of Illinois in many instances. What I'm saying to you, there's a big gap. You stop the flow of illegal...I call it "illegal," it is...it's a legal sale, but it's illegal if we don't collect a tax. If we could put a...a stopping point, say, at our truck weigh stations and, say, look, where's that gasoline going...where's the gasoling going, to whom, how much, you know, and then the Department of Revenue is able to follow up and say, did you get this load of eighty-five hundred gallons of gasoline or not, because that...distributor would then have the responsibility of reporting that sale and that's where we're losing today millions of dollars in revenue from outside the State of Illinois coming into Illinois. So, I just wanted to tell you from twenty year's experience what I know to be happening, what I know the State's losing and how we can really recapture millions of dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson. Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

If I understand this bill correctly, you're putting the

onus on the retailer, are you not?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

No, the...the exact opposite. The retailer is the person who presently collects the tax. Now we are only talking about the sales tax. On cigarettes, on whiskey, on all kind of alcoholic beverages and on the motor fuel tax, that is collected at the manufacturer, the distributor. What this bill proposes to do is continue that process for the collection of three cents of the sales tax at the...at the point of distribution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But if I understand this bill correctly, at the present time without this bill, the retailer does not have to prepay, but under your bill the retailer will have to prepay, and I can't help but support Senator Netsch's comments on it that we're making it a hardship on the retailer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. The...the overwhelming question, in my opinion, among all of the others is, how much money is the State of Illinois losing because the retailers do not, in fact, pay the amount of tax that they collect. And I'm told that it's up to a hundred million dollars that will be in the...in the General Revenue Fund next year if this bill passes. I don't think there's any other consideration unless someone can point out the fallacy of that, in fact, statement, and I think that...has the bill been amended in the Senate, Senator Bruce?

PRESIDING OFFICER: (SENATOR SAVICKAS)

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Senator Bruce.

END OF REEL

REEL #3

SENATOR BRUCE:

Yes, it has. It has an amendment by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Alright, then it can be further amended in the House to include wholesalers from out-of-State who don't register...and I'm all in favor of that. The basic point and the most important part of this bill, regardless of who's benefited by it, that we get a hundred million dollars in the General Revenue Fund, and no one yet to this date has been able to refute that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As part of this proposal's tortured past, I rise in support of this bill. I happen to have been the Senate sponsor of a Senate bill and Senator Philip was the Senate sponsor of the House bill. We both then thought it was a good idea because, as Senator Egan just so well pointed out, it means an enormous amount of additional revenue to the State of Illinois, and it speeds up administratively the collection of these taxes that are otherwise avoided. I think it's a great idea and I urge and Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Netsch, you spoke for six minutes the first time. For the second time, Senator Netsch.

SENATOR NETSCH:

I'll speak only three minutes the second time. Thank

you. I...there are just a couple of points that I think need to be answered. I know this bill is going to go flying out of here. I just think it's a...an insult to all of us. But a couple of points. One is, as has been pointed out, the out-of...state wholesalers do not have to register even under the DeAngelis amendment. They will not be picked up, that is still a major gap in the bill. Secondly, it's going to cost at least another million dollars to administer according to what the Department of Revenue told us. Third, it is not a hundred million dollars. The figures you have heard from people in the industry, Senator Egan, have ranged everywhere from sixty million dollars to a hundred and eighty million dollars that is going to be brought in. The total sales tax collection on motor fuel tax is two hundred and fifty million dollars a year. If a hundred million is being lost, that would mean that...that about half of the retailers and the wholesalers in this State are already in collusion cheating on the sales tax, and I don't...I hope, at least, it is not quite that high. The Federal Government figures indicate that there...that on cash businesses there may be about a ten percent sieve-off, if you will, or...and that would be maybe as much as twenty-five million. I agree, it's an important amount of money. I am not for one minute suggesting otherwise. I assume if this bill passes and ends up being signed, that we maybe will get some more money, but if so, we will get it from the reporting provisions, not from the requirement that the retailers prepay three cents, not their entire sales tax but three cents of the sales tax. That is not essential to plugging the sieve. It is the audit trail that is essential, that is what will get us some more money.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. As the hyphenated sponsor on

this bill, I strongly urge its support. There are a lot of comments I can make, but there are a couple of things that I think were said on this Floor that are slightly irresponsible. One, the impunity of the integrity of the people who are trying to pass this bill. The fact of the matter is, by Senator Netsch's own admission, it will collect more money. And, Senator Netsch, it does have a better audit trail. Now, the gaping hole that Senator Netsch talked about has been plugged in the Senate, and I'll stand up and tell you that if it...there's any attempt to strip that off in the House, I will remove myself as sponsor of that bill. Now, Senator Netsch has pointed out, and I'm not here to debate Senator Netsch, but the...the opposition is coming strongly from one direction. There is a theory here that we're...we're really hurting the little guy. Well, let me just tell you, the prepayment, the prepayment has to be made by the company stores too, Senator Netsch. The oil company stores have to prepay also, something that they're currently not doing. And I think if you would look at how many company stores there are in this State, there are quite a few in terms of the overall service stations. Now, Senator Netsch thinks there's a better way of doing this. Well, I'll tell you how important that was to the Department of Revenue, and generally, I do not oppose the department. It was so important that they didn't even put a bill in for it, but they did try in committees, unsuccessfully, to strip this one and go ahead and put what they thought was their bill, a bill that would require the auditing of eight thousand units rather than eight hundred. And I still can't phantom mathematically how that's going to cost less money or be more effective. In terms of...there's a theory here that the little guy is going to get hurt. Well, I got to tell you, in my district the guy who's getting hurt without it is the little guy, because my little gas stations in my district see a little gas station

open up on the street with people with some strange sounding foreign names who stand there and sell gasoline, they get nabbed, they sell the place to their cousin, the cousin operates for awhile, he gets nabbed, then another cousin comes in and does that. And I got to tell you, the guy that's getting hurt in my area is not Amoco Oil, it's the little independent dealer who is, in fact, paying his taxes and can't compete with the person who's not paying their taxes. And if you think this bill protects the big guy, I got news for you, it doesn't. It really helps the little guy. I think we've said enough about it. I would urge its favorable passage. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Johns, for the second time.

SENATOR JOHNS:

I...I think that my experience ought to be made available because I'll tell you what, in reality what's happening today is that people are so price-conscious that you get this proliferation of brands. That's what I'm talking about coming from out of the State. Through the pipelines you can just about push a button and get whatever you want as cheap as you want. You buy it by phone, you don't even know what brand or what quality or sometimes what octane you're getting. The little guy Senator DeAngelis is talking about is really being protected and so is the neighborhood consumer, because you're getting, as I said, a proliferation of all kinds of product. And if you put this thing in the prospective that Senator Bruce is trying to do, and I hope that eventually somehow we'll stop the distribution of foreign products from other states into here, we'll be in good shape and we'll collect a lot of money. And, Senator Netsch, if it only costs a million for the Department of Revenue to administer...and say we make ten million, we're nine million

ahead, and Heaven knows, that's all the Governor is talking about is the need for increased revenues. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BRUCE:

Thank you, Mr. President. I believe the one thing that every member on the Floor has now learned is that from the Department of Revenue and from many individuals that there is fraud in the collection of the sales tax on motor fuel. For the poor independent guy who does an honest job, he has to compete with the guy that hasn't paid it, and I don't think that's fair. To the wholesalers that don't pay it, it's not fair to the other wholesalers. We've heard sixty million dollars additional revenue, a hundred million dollars. Department of Revenue now admits that they think there's at least twenty-five million dollars. I think that speaks in favor of the bill. If there's that kind of fraud in the collection, we ought to change the procedure, collect the money. A year from now we can end the debate, we'll know exactly how much money was paid. Every wholesaler will account for every gallon, he'll pay three cents on every gallon he distributes in the State of Illinois, we'll collect the extra revenue. I'll be happy if fraud is down. I'll also be happy if there's an additional hundred million dollars in the State Treasury. Everyone that is in the industry, the...the retailers, the...the distributors think that this is the way it ought to be done as it's done in other industries. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1133 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 54, the Nays

are 2, none voting Present. House Bill 1133 having received the constitutional majority is declared passed. House Bill 1136, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1136.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Under current law, townships with less than fifteen million dollars equalized assessed valuation have a maximum tax rate of...of .45 percent, and townships with fifteen million dollars or more equalized assessed valuation have a maximum tax rate of twenty-five...of .25 percent for the purposes of prosecution or defense of suits, cemeteries, hospitals, youth committees, mental health services, cooperative services, senior citizens committees and other purposes authorized by law. What this...the problem this bill attempts to solve is directed toward townships with assessed average...equalized assessed average valuations of around fifteen million dollars. Once they reached and go over that point, their...the money they get substantially drops and this...this puts a graduating scale in there. I'd be happy to have Senator Luft answer any questions that come up about this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not,...Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I think the sponsor has done a very fine job of explaining the provisions of this piece of legislation. I think that those of you who were listening to what he had to say will be aware of the fact that this does address a very real problem that

township government has, but I should also caution you that while this does prevent the townships from falling off the edge of a...a tax precipice, it does spread out the...the years over...it does provide an increased levy for township government over a...an extended period of time. So, that's a word of caution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 1136 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 3, none voting Present. House Bill 1136 having received the constitutional majority is declared passed. House Bill 1137, Senator Zito. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1137.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. This bill was introduced because when the Illinois Credit Union Act was recodified in 1979 it granted credit unions the authority to act as depositories and fiscal agents for units of State, local, school district and special district governments. Credit unions offer accounts insured up to a hundred thousand dollars by an agency of the Federal Government as well as competitive yields. The problem is, as it exists now, is that a number of the custodians of public agency accounts have come to the conclusion that while credit unions are authorized to accept such deposits, the law governing public fund deposits must be clarified with respect to the power to

deposit such funds. This bill will clarify that discrepancy. The bill is supported by the Department of Financial Institutions, Urban Counties Council, the Illinois Municipal League, and we would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall House Bill 1137 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 52, the Nays are 6, none voting Present. House Bill 1137 having received the constitutional majority is declared passed. House Bill 1138, Senator Demuzio...or Bloom. Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1138.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President and fellow Senators. This bill attempts to harmonize some conflicts that have arisen between the Administrative Procedure Act and the Environmental Protection Act. As you know, in 1975... '73, I'm sorry, this Body mandated that when the Pollution Control Board and people like that were going to promulgate environmental regulations that they do economic impact studies. Sometimes they've taken years. So, what this bill as amended does, basically, once the economic impact study has started and has been underway and the board has the testimony and the record is closed and they're evaluating it, they can still undertake their rule making, so there is a timely flow of rules. I'll answer any questions; otherwise, seek a favor-

able roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1138 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 1138 having received the required constitutional majority is declared passed. 1141, Senator Kelly. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1141.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 1141 exempts part-time firefighters from coverage under the Unemployment Insurance Act. Presently, the volunteer fire departments are being assessed unemployment taxes when one of their volunteer firemen are layed off from their regular job. This bill would prevent that abuse. It's part of the agreed compromise reached on the unemployment insurance. This bill, House Bill 1141, passed the House by a vote of 113 to 0, and I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1141 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 1141 hav-

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2nd Reading

ing received the required constitutional majority is declared passed. On the top of page 14, 1143, Senator Maitland. On the Order of 2nd Reading, top of page 14, 1143. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1143.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1143 amends the School Code and prohibits downstate school boards from transferring interest earned from bonds proceeds to...to any other fund. Currently, some school boards transfer interest income on certain funds to other funds. This bill would prohibit the transfer of interest earned on bond proceeds to other funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 1143 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 1143 having received the required constitutional majority is declared passed. 1144,...Senator Savickas. It's on recall. 1148, Senator Holmberg. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1148.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

This is another Rockford only bill. It amends the Rockford Civic Center Act to permit the governing board of the Rockford Metropolitan Exposition Auditorium and Office Building Authority to establish a security police force.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? Senator Macdonald.

SENATOR MACDONALD:

I was seeking recognition before that. I'll wait until after Senator Holmberg finishes her bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Mahar.

SENATOR MAHAR:

...thank you, Mr. President and members of the Senate. As I recall this bill in committee, there was some considerable discussion about...setting up a police force in Rockford for the civic center, and as I recall, there was a question about how you were going to finance it. As I understand it, you no longer have home rule up there and, for that reason, probably are short of funds. Could you go through that, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Yes, this...this would enable the Rockford Civic Center to provide its own force...at a time when our own police force may be in short supply because we're anticipating quite a few cutbacks in that area.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Senator Mahar.

SENATOR MAHAR:

Well, I'm not personally familiar with the civic center

project, but it just seems to me that there's a duplication here, and it would seem to me that it would be cheaper to contract with the Rockford Police than to set up a separate force which, as I understand it, has the same powers of police, must be trained. The Civic Center Association would have to go through the procedure of training those police, paying for the cost of training and maintaining a separate unit within a municipality, which seems to me would be an added administration that really we're talking about here to...to the citizens is more cost. And I...I would think that you're adding...adding cost instead of taking it away, and I'm not too sure that the...you need that type of service.

PRESIDING OFFICER: (SENATOR DENUZIO)

Alright. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I vaguely recall that Senator Simms had one of these bills before the home rule thing went down, and I think the civic center has had a desire for some time to have its own private army, and I don't necessarily see the decline of home rule in Rockford as the motivating force for this since we saw it before the home rule went down. It's my understanding that they have the power to hire off-duty Rockford policemen and...and sheriff's employees to...I assume through some sort of compact with the various law enforcement agencies to do this. I...I don't have any really strong feelings about it, it just seems to me that probably the City of Rockford is not going to be able to give those guys much of a pay raise, and maybe if they can get a little overtime this way it would be a good thing to help the...the situation rather than hire a...what will not be a full-time force; it will be, obviously, part time because the civic center is not a full-time function. And, you know, I think I would be much more comfortable with having full-time Rockford police and the Winne-

bago sheriff's patrolmen who presumably are trained with the use of firearms...these guys are going to be armed, by the way, rather than a part-time Keystones Cop operation. But if you are going to have a Keystone's Cops operation, why don't you do something novel like buy some storm trooper uniforms from one of the movie outfits and dress them like imperial storm troopers so they're very distinctive. But in all seriousness, I...I think it's a mistake. I think we're better off going with the experienced personnel in the Rockford Police Department the way we have in the past. I don't know why these civic centers which have...grow into monsters have to have their own private armies.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President, to commentary not so much on the fact that all of a sudden this bill is popular when last year it helped lose a Republican Senator from Rockford, my concern is for all the other civic centers in the State of Illinois. The only legislation that's moving through this House on a separate army is for the conservation...or the...the...the New State of Illinois Building in Chicago and for some of the other State heavy office buildings to let the conservation police or whoever it is that guards them to be sworn officers. But if we do Rockford, then we've got to do Aurora, then we've got to do Springfield, we've got to do all the other private armies in the world, and to go at in a piecemeal approach I think is foolish, and I urge the defeat of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg may close.

SENATOR HOLMBERG:

This bill does not automatically set up a security force but it does give the Metro Authority permission to do so if

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3rd Reading

it should see the need. I would ask for your favorable roll call. This only affects Rockford and we would like to have it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1148 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 34, the Nays are 21, none voting Present. House Bill 1148 having received the required constitutional majority is declared passed. 1155, Senator Marovitz. On the Order of 2nd Reading, page 14, 1148. I beg your pardon, 1155. 1155, Mr. Secretary, please. Senator Hudson, for what purpose do you arise?

SENATOR HUDSON:

...point of personal privilege...

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR HUDSON:

...privilege, Mr. President. I inadvertently missed a vote here right at my desk on...House Bill 1105 and 1138. Could the record show that I would have...should have voted Aye on both of those bills?

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, the record will so indicate. Senator Macdonald, for what purpose do you arise?

SENATOR MACDONALD:

Yes, Mr. President, I inadvertently pushed my Yes button on 1137 and I would like the record to record that I want to vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The electronic record will so indicate. Senator Marovitz, on the Order of 2nd Reading, House Bill...3rd Reading, House Bill...1155, Mr. Secretary, please.

SECRETARY:

House Bill 1155.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 1155 requires public utility companies to file long-term energy programs with the ICC and Energy and Natural Resources so that these two will review the plans and make recommendations to the utilities. These plans which will be filed every two years will consist of things like utility companies proposal for construction of new facilities and termination of existing facilities, types of fuels and methods of...generation to be used, projected energy demand on customers and the method for making the projection and the existing and planned programs and policies to discourage inefficient and excessive energy use. We passed a similar bill like this on the Consent Calendar, a Senate Bill. I know of no opposition to the bill and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Rigney.

SENATOR RIGNEY:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

This bill, was it amended in the Senate to provide free water service to all fire districts?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

It was amended in the House to provide that a public utility company, one which sells stock to the public, could not charge water...for...supplying water to the municipality for...or a fire prevention district, if the water was to be used for fire protection purposes, but they could use that as an expense in the rate...rate making base.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, as far as the other part of the bill, long-term energy plans and so forth, isn't it basically true that this is about what the utilities have to do right now? Would this legislation really be necessary?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, the problem is that our job down here is to...is to put things on the books to make sure that what should be done will be done. I...I commend the chairman of the Illinois Commerce Commission, he happens to be a constituent of mine, I think he's doing a fine job, Phil O'Connor, and I know that the utility companies presently, by rule and regs, have to file a long-term energy plan. We just want to codify that and make sure that in perpetuity they're going to do that to let the...let all the citizens of the State know what their energy plans are for the next ten years.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Further discussion? The question is, shall House Bill 1155 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 44, the Nays are 14, none voting Present. House Bill 1155 having received the required constitutional majority is declared passed.

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1157, Senator Berman. Middle of page 14. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1157.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill provides for...ways for utility services and community...antenna television...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait...wait a minute,...Senator Berman. Pardon me for interrupting. Ladies and Gentlemen, if we could have some order, please. Senator Berman.

SENATOR BERMAN:

This deals with the area of cable TV franchises. It provides for ways for utility services and community antenna television systems which much set forth in a plat whenever land is subdivided into parts any of which is less than five acres. Deals with the platting of these services. When a municipality or county is granted a cable TV franchise, it prohibits the property owner in multifamily dwellings from denying cable TV services or equipment to the residences of that property. Property owners may require reasonable compensation for the installation of such services. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You ought to take a real good, close look at this bill. What this bill says is, if you're a property owner or

you belong to a condominium association and you decide you don't want TV...cable TV to dig through your property or put it into your building or your property or on the public utility pole, you can't prohibit them. You cannot stop them whatsoever. Now, I'll tell you, I've had a very bad experience with the cable TV people. My city council passed it. Without my permission or without any notice whatsoever, they drove across my lawn, ran over a tree, went up on the telephone pole and put their damn cable TV on. Then they came back about a year later and dug something up around the pole on my property and didn't replace the grass even, the courtsey, or even notified me. And if you want to give your rights up as a home...homeowner, this is a great way to do it. I've had a very bad experience, and they don't have the authority to do it other than by my no good city council who allowed them to do it. Now, I have an easement on my property. That easement says public utility and it names the public utility. What you're doing by this bill is giving them carte blanche. Cable TV will dig up your property, put a pole on your property and any other damn thing they want to do. What this bill needs is a big, big red No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. That's exactly the same speech that Senator Philip made last year on a similar bill that I had, and I've seen the light. Even though the book shows that I voted for it in committee, that isn't the first mistake I've made. Actually, what he says is exactly correct. And I think the discussion last year which included our...our Senate President was one that there was no compensation. And if you're going to provide for easements as utility, there...there should be some kind of a...type of compensation because a cable franchise is not

really utility, it's a private enterprise for the individual profit. And there is...it lacks the control, it mandates that they shall use the property if the municipality agrees for the cable TV through their contract. It seems to me this lacks something and we ought to defeat the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, thank you, Mr. President and members of the Senate. This is probably the most special interest piece of legislation that we've seen to date. And, Senator Philip, you forgot one other thing. All the while that we are talking about giving away these private rights, we are talking about giving them away not to a public utility, not even to a quasi public utility, because the thrust right now in this country is to totally deregulate cable TV. So, we'll have nothing to say, not only will we as individuals have nothing to say, our city councils won't even have anything to say by the time the Federal Government is through in this area. And I urge a No vote on this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman, for...Senator Berman.

SENATOR BERMAN:

Well, thank you, Mr. President. Much of this discussion was not brought up in committee. I'd ask that we take it out of the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Take it out of the record. Alright, on the Order of 3rd Reading, the middle of page 14, Senator Geo-Karis. Alright. 1161, House Bill 1161. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1161.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this is a bill that was asked of us by our Democrat County Clerk of Lake County. It simply says that in effect...and it's a permissive bill, if the election authority wishes to permit a voter to vote absentee in person or at a township, municipal or road district office in the general primary or general election, he or she can give that authority in writing. This bill extends this procedure to the general primary and general election in even numbered years, 'cause I understand they have it now in odd numbered years. It enjoys bipartisan support, and came out of the House 113 votes. Ask your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Is this bill permissive?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEC-KARIS:

Yes, this bill is permissive, absolutely.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bruce.

SENATOR BRUCE:

I would just like to stand in opposition to this bill, and I hope the people who are interested in election proce-

dure or anyone who happens to be running for public office either in the House or the Senate will take a...a close look at this bill. This allows absentee voting in township clerks' offices right up to midnight the day before the election. Now, I don't know whether we want to do that. I have no idea what the county clerks in the State of Illinois are going to do when five or ten or fifteen thousand absentee ballots come into their clerk's office on the day they have to distribute those out to the various tax...to the various voting spaces. The potential for fraud, I think, is...is fairly large. We allow this now in the odd numbered years, and we are trying it out. But to allow it in a general election with the President, the United States Senator on the ballot seems to me that the potential for fraud, the administrative nightmares for a county clerk are overwhelming, and this bill ought to remain here and we will work on the problems that I think that this bill will create.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I...I, too, would rise to speak against this bill even though the...the sponsor's county clerk is in...is in favor of this, my county clerk is opposed to this. I think that this will probably create havoc in the townships around the State. It's also...going to undo much of the election reform we've tried to pass through the Legislature this year, and I think what's going to happen is you're going to have favorite-son candidates be supported by your township clerks, they're going to allow people to vote without having the binders present, and I would urge a No vote on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, you passed a bill out of here just last month that was not permissive, it was mandatory. This is permissive, this is a...this...no county clerk in his or her right mind would have it up to midnight, I'm sure they'd have hours, they're the ones that have to set it. If the county clerk, who is the...the chief election authority of the county, does not want it,...she or he doesn't have to have it. It's a permissive bill, and I think it's a good bill and a step in the right direction. It's strictly permissive. I've also talked with Senator...with Stanley Cuspa's office, his...associate, Andrew Rouchy, and he has no objection to the bill as long as it's permissive. And I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1161 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 26, the Nays are 26, 2 voting Present. House Bill 1161 having failed to receive the required constitutional majority is declared lost. Sponsor requests postponed consideration. 1164, Senator Zito. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1164.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Ladies and Gentlemen, the Chair would like to make an announcement that we have handled so far today fifteen bills. We still have three hundred and ten on the Calendar, so...Senator Savickas moves to work Saturday and Sunday. That's out of order. Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. House Bill 1164 requires counties with populations of less than five hundred thousand to file financial forms with the Comptroller. All units of local government are currently required to file these forms except counties, although the counties are already doing it voluntarily. So, House Bill 1164 would simply codify the current practice. I know of no opposition, would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any discussion? Any discussion? If not, the question is, shall House Bill 1164 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 1164 having received the required constitutional majority is declared passed. 1165, Senator Egan. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1165.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President. In that veinness is Senate bill...or House Bill No. 17. It's a very minimal administrative bill. I hope you'll support is quickly. It...all it does is allow the Comptroller to retain a record rather than the copy of any rejected voucher. The...that doesn't eliminate anything, it just eliminates some paper work for the Comptroller. The originating agency has to retain the copy. I move it...I...I...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion?

SENATOR EGAN:

...commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 1165 pass. Those in favor vote Aye. Those opposed vote No. The...the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, 1 voting Present. House Bill 1165 having received the required constitutional majority is declared passed. 1170, Senator Kent. Senator Kent, 1170. Is there leave to return to 1171? Leave is granted. 1178, Senator Bruce. Read the bill, Mr. Secretary, please. On...on the Order of...3rd Reading, bottom of page 14, 1178. Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1178.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This bill is commonly known as the latch-key bill. As amended, this deals with before and after school programs. These are not preschool programs as some people would like to call them, these are people...these are programs for children already in school in the grades kindergarten through the sixth grade. They will be allowed, if the school board...decides to exercise this option, to be involved in programs before...after school which will include time for homework, physical exercise, nutritional snacks and educational offerings in addition to those offered during the regular school day. We have amended the bill at the request

of the...the Education Committee to state that the chief administrator in the district shall be a certified teacher or a person meeting the requirements for supervising a day-care center. The individual programs will be coordinated by certified teachers or by persons who are licensed under the Day-care Act, and that they may...actually hire other individuals to operate such program. The program shall follow the work calendar as much as possible rather than the regular school calendar. Parents and guardians will be responsible for transportation to and from the program, and the school boards are allowed to charge a fee not to exceed the actual cost of the before and after school program. I believe that the State of Illinois under this Act will recognize what is happening in the families of the State of Illinois, that we do have working parents, working single parents, and this will allow the school boards, if they wish, and I would want to emphasize that this is a voluntary program, that every school district in the State of Illinois will be allowed the option of offering a program before school and after school for their existing students. I'd ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

You...I see by the amendment you have taken out that they must be certified teachers, that they...they can be qualified day care...I think with that amendment I certainly would be willing to support it, and I suggest my colleagues do the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? The question is, shall House Bill 1178 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 54, the Nays are none, 1 voting Present. House Bill 1178 having received the required constitutional majority is declared passed. Top of page 15, 1179, Senator Buzbee. Read the bill, Mr. Secretary, please. Whoop, Senator...Senator Buzbee.

SENATOR BUZBEE:

No, 1179 is...we've got to recall for the purpose of an amendment. But I would be prepared for 1180.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright, 1179 recall. 1180, Senator Buzbee is ready. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1180.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Thank you. This establishes a program of matching grants to engineering colleges for the purchase of engineering equipment. The grant may not include funds appropriated by the General Assembly for the school offer tuition and fee assessments. The grants may not exceed the lesser of the previously unmatched amount used after June 30th or twelve hundred dollars for each BS degree in engineering conferred by the school in the previous fiscal year. In the event that the appropriations for this purpose are insufficient to fund all grants, all such grants shall be reduced on a pro rata

basis. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall House Bill 1180 pass. Those in favor vote Aye. Those...opposed vote Nay. The voting is open. Have all voted who wish? Senator Carroll. 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 1180 having received the required constitutional majority is declared passed. 1182 is a recall. House Bill 1187, Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1187.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. Ladies and...Mr. President and Ladies and Gentlemen of the Senate, House Bill 1187 is the product of the State Board of Education in addressing ways to provide for detachment annexation consolidation of school districts. It is a bill that has been requested by a number of areas throughout the State. We still have a thousand and nine school districts in the State of Illinois. This bill will encourage and assist in the consolidation of school districts throughout the State of Illinois. It has been amended...I think there are two amendments on the bill. One was a technical amendment from the State Board of Education to correct some technical problems after discussion with the House after the bill left there. The other bill was a bill which...which dealt with the phase-in and the application retroactively regarding this House Bill 1187. Be glad to respond to questions, and I solicit your Aye vote to try to cut down on the

number of school districts and cut back on the administrative costs in our schools throughout the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

I have...several questions of...of the sponsor, and I'd like to...it might be useful just to back up a moment and consider what happened yesterday by way of amendments to this piece of legislation. There are two sections in the School Code, Section 7 and Section 11, that govern the formation of new school districts. I attempted yesterday, unsuccessfully, to put a grandfather clause on...on this bill which would protect consolidation efforts now in progress under both Section 7 and Section 11. As I indicated, I was unsuccessful in that effort. However, the sponsor did put an amendment on the bill which grandfathered consolidations...or new district formations, I think is of really the better word to describe, under Section 7. So, the first question that I would like to put to the sponsor is, what districts are covered under Section 7, and I'm thinking specifically what consolidations are you aware of around the State that are covered by the grandfather clause that is now within the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I am...I am aware of only one proceeding by name, and I...I can't get you the title, but there was a...a...a proceeding pending in the trial court...or appellate court which would have been preempted by this bill. It was...that was a...Community Unit School District 200 in DuPage County which

was already up on the trial level after a substantial length of litigation and administrative procedures. This matter was brought to my attention, I felt that a preemption of that...of that case would be substantially unfair. That's the way the bill came over from the House, it would have preempted that matter. Other legislators have discussed other matters, I do not know the names of those districts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Then, Senator, I would like to know what districts would have been covered by grandfathering consolidations under Section 11 that are now being...would be preempted if this bill were to pass.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I do not know the names of those districts. I don't have that list.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

But there are some?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

There very well may be. I...I...I'm sure that there are some.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, we agree that there are some. Now, I want to ask my next question then. Why, may I ask, are we refusing to acknowledge the fact that there are other consolidation

efforts under...now going on under the terms of Section 11 that we are unwilling to grandfather?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I think it was, like was explained when this amendment was debated, that there are certain stages of proceedings that have proceeded so far down the administrative or judicial process that it would have been unfair to...to preclude them from completing their transactions. Conversely, there are others that were merely at the early petition stages that would not have caused great deal of harm in relation to uniformity of consolidation process or formation process throughout the State. It's a judgement call, and like other things, this Body makes a judgement call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Then I would like to direct my comments to the bill. In reviewing this bill, I find...absolutely no incentives that would encourage additional school consolidations. I think we are...would agree that our past experience...at least I hope we would agree that our past experience indicates that a...a financial incentive, a carrot, if you will, is frequently very desirable in encouraging people to consider the...the consolidation process. I find nothing in this bill that is going to encourage school districts to...to enter in the...into the arduous process of...of consolidation. What I do find in this bill, because of the fact that we have refused to adopt an amendment which grandfathers consolidation efforts now proceeding under Section 11, I find that there are consolidation efforts that are jeopardized and may be preempted by this legislation. Now, Senator Berman, I don't know what you would consider to be an early stage of

the consolidation process, but I am aware of one consolidation effort in Will and Grundy County that has been underway for six years. This is an effort in which five school districts have...have embarked upon. I would say that...six year's worth of work is not an early stage of the consolidation process. I guess I still...do not really have a good answer as to why this selective approach, and it is a selective approach to grandfathering consolidation efforts. I think that what we are dealing with here is an arrogant and cynical use of the...legislative power of this Body to thwart the efforts of local citizens who have worked long and hard to consolidate their school districts. I think this bill does far more harm than it...than it does good. As I indicated before, I see no incentives in this bill for school districts to begin this difficult task. I don't see any new consolidations taking place under this...under this legislation. What I do see is...consolidation efforts that have been underway a long time being jeopardized as a consequence of its enactment. If we are interested in school consolidations, and I think we are, then I think that we ought to go about it in a fair way. What we're dealing with is a...a question of basic fairness. This bill is unfair, and we had the opportunity yesterday to make it fair, and I would suggest to you that if we vote No on this bill today, we will have other opportunities to make it fair. The School Problems Commission and the State Board of Education have both been involved in the process of developing this bill. They had nothing to do, as far as I know at any rate, with the adoption of the...of the...the adoption of the amendment yesterday. Seems to me that the best interests of our school districts would call for us to grandfather all existing consolidation efforts. And I would publically ask the School Problems Commission to disassociate themselves from the limited scope, grandfather agreement that we adopted

yesterday. I would publically ask the State Board of Education to disassociate itself from the limited grandfather amendment that we adopted yesterday. And I think, Ladies and Gentlemen, all of you fair-minded people should disassociate yourself from this bill by voting No. I think this bill stinks to high Heaven, and I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grotberg. I have the clock on. Senator Grotberg.

SENATOR GROTEBERG:

Well, thank you. It won't take me too long to stand up in support of my fellow Kane County Senator, but it has come to my attention that there is more to this than meets the eye, and it probably should not even be a matter of record at this time. I am always amazed at the distinguished Senator from Cook will ride point on these heavy-duty bills, the thrust of which is great. But when you skim all the way down and you find out that one guy did it one way and got left out of the other, I've got two good friends involved in this and I didn't know what the bill did until twenty minutes ago, and how that came about. And I don't think that is fair, Senator, because we respect so much what you come off the cloud nine of the...of the School Problems Commission with a major attempt to...to...to...consolidate schools, and in the doing of it there's just a little zinger in there, and the problem with zingers is they...they...they tend to come back and sting. And right now, two of my good friends are stung one way or the other on this issue. Can't you do something about that and accommodate? You grandfather one section...don't grandfather the other. I'm with Forest Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and Ladies and

Gentlemen of the Senate. Senator Berman, I, for one, am...am terribly disappointed with your efforts on this particular issue. You and I have stood together and crossed political lines many times to defend education in this State. We've worked very hard in that area, and I've admired your knowledge and your willingness to work for education. This, to me, is a clear attempt to destroy what some have done in favor of others. You, by your own admission, have no knowledge how many other school districts across this State who are working in this area who are going to be affected. You have no idea. Much work, much work has gone into this bill in an attempt in an orderly way to encourage consolidation. You're destroying an effort for political reasons. Senator Etheredge put it well, put it very well, and it hurts him in favor of someone else in this Body, and I think that's clearly wrong. I'm a hyphenated cosponsor on this bill, I objected strongly to it yesterday. I'm disappointed once again that someone who understands and respects and encourages education, as you have done over the years, would even be a part of this. In conclusion, I'm going to tell you that I disassociate myself with this bill because we're doing two different things with it. We are destroying the intent of consolidation in this State, and I'm going to encourage everyone, certainly on this side of the aisle, to vote against the bill. That hurts me very much because I believe very strongly in the concept. And I'm going to tell the other side of the aisle that unless you know, unless you know how this particular bill is impacting some efforts being forth in your district, then you better look at it also. I rise in opposition to House Bill 1187.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jerome Joyce.

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END OF REEL

REEL #4

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I also rise in opposition to this bill. I happen to have the same district in jeopardy that Senator Etheredge has and I think it has been said on this Floor, and I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson. All right, further discussion? Senator Berman may close.

SENATOR BERMAN:

I'm a little shocked at some of the shock that I hear being voiced over here. It is not unusual for competing interest to be involved in bills that are presented to this Body. Votes are taken, some people win and some people lose. Some people can lose more gracefully than others it appears. Let me suggest to you that when this bill passed out of the House...when it passed out of the House, it didn't preempt anything. It was Senator Etheredge and Senator Maitland that came in here and wanted to preempt everything. Now, to those people that passed...voted on this bill in the House, they would be just as upset by the Etheredge-Maitland amendment as Etheredge and Maitland appear to be by my amendment that was adopted yesterday. I would suggest to you that what was good in one instance is just as good in the other. There are time and time again when you have situations, there are interests involved on this Floor. One of my colleagues on this...in this Body expressed his concern for the total preemption amendment. This Body, by a vote yesterday, accommodated that concern. There has been nothing untoward. There is nothing underhanded. This was discussed and debated straight up. We explained that some will be hurt and some will be helped.

Now aside from some hurt feelings and some people that came up short on a vote, let's look at the bill. This bill is part of a package of bills that create incentives for consolidation of school districts. It is important to try to deliver a package of legislation, this bill being one of them, that will decrease the total number of school districts that we have in the State of Illinois. The administrative cost alone in a thousand nine school districts is overwhelming. This bill submitted...notwithstanding the amendments in...in discussion, this bill was submitted and endorsed by the School Problems Commission and the State Board of Education. The amendment addresses only one part of it, it helps some school districts and hurts others. Everytime we vote on anything involving schools on this Floor, some districts are helped and some are hurt. This is nothing different. If you want to cut down on the size of the school districts, the number of school districts in this State as part as the total package of moving to...decrease that number and administrative costs, I solicit your Aye vote; and those people that have been terribly upset, go on back across the aisle and have it sent to a Conference Committee. If there's an accommodation, I would think it could have been worked out,...essentially by the person on this side...and the Republican side of the aisle that wanted one thing to be done in his district, and the person on this side that wanted exactly the opposite. A vote was taken and that was determined yesterday that really should not undermine and otherwise fine bill, and I would suggest to you that an Aye vote, which was confirmed yesterday by a majority of the members in this Body, should be...reestablished today. I think it's a good bill. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEBUZIG)

Question is, shall House Bill 1187 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 18, the Nays are 31, 4 voting Present. House Bill 1187 having failed to receive the required constitutional majority is declared lost. 1189, Senator Berman. 1192, Senator Bloom. On the Order of 2nd Reading...or Order of 3rd Reading, the middle of page 15, House Bill 1189. Read the bill, Mr. Secretary, please...1192, sir. 1192.

SECRETARY:

House Bill 1192.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. House Bill 1192 embodies a concept that we've already supported and that is what they call work sharing. It has been amended to authorize additional associate law clerks for the judges of the Supreme Court and to provide responsibility for audio or video recording systems with the court reporter seeings that that the court reporters transcribe. I'll answer any questions; otherwise, I'd seek your favored roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. One question of clarification, Senator Bloom. Isn't the first part of the bill with...for job sharing rather than work sharing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Yes, Senator. I misspoke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you. I think there is a difference between the two. That is obviously very good and we have done it with respect to other agencies and should continue it. I would also like to speak in favor of the authorization for the additional clerk. I think that it is foolish for us to put as much business as we do into the court system and not give them the tools to be able to do an adequate job. I have some idea from students who have worked in that area that they are heavily overloaded and that they...they do indeed need that help and it is quite defensible.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator Bloom, as I recall there was a similar bill in the Executive Committee that...that lost in committee. At that time, I think these new positions were referred to as law clerks and it appears now you're calling them something else. Is...is that...am I correct, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

That's absolutely correct, Senator Schuneman. As a matter of fact, I voted against that bill in Executive Committee 'cause it created more in higher paid law clerks. I think they were going to be paid more than we were, around thirty thousand dollars a year. This is for associate law clerks, guys to do research, and if you've ever seen the voluminous

record that accompany these appeals, you realize that there is a lot of work involved and it's at a reduced salary of twenty-five thousand. I've discussed this with justices of the Supreme Court and...agree that they do need some...some assistance with their volume of appeals and records. So, that's basically the story on that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Johns.

SENATOR JOHNS:

Yes. Where's the money come from to pay these additional court reporters?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor...indicates he will yield. Senator Bloom.

SENATOR BLOOM:

GRF.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR JOHNS:

Is it in the Governor's Budget?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

I don't know whether it's in the Governor's Budget or the court system's budget. I think it...if somebody could help me on that, I think they did budget for the thirty thousand dollar clerks that we rejected.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR JOHNS:

It is now at twenty-five? It is...presently twenty-five today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

We rejected the thirty thousand dollar clerks in that bill in Executive Committee, and this amendment says you can have an extra associate law clerk at twenty-five at a reduced amount, and staff has informed me that it was budgeted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR JOHNS:

So you're...you're...you're actually going to try to create new jobs with this at twenty-five thousand?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Sure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Keats.

SENATOR KEATS:

I do appreciate the concern of the sponsors for the Supreme Court, they're a fine group of gentlemen and I have nothing against them; but when you look at some of the burdens in the areas of mental health, prisons, et cetera in terms of the workloads of some of those individuals, I would be quite frank and say that a prison guard as Stateville bears a heavier workload than a Supreme Court Justice in a less inviting environment and among individuals who like him substantially less than some of the attorneys like the Supreme Court. If we were to weigh the merits of those who need a little more assistance, I would say the prison guards or the mental health facility workers are in much greater need of assistance than is the Supreme Court, and at twenty-five grand a head, let's see, that's what...knowing what we pay prison guards and mental health worker, instead of seven to twenty-five grand, we could get fourteen 'cause that's about what we're paying those workers in much more arduous conditions. Based upon the merits of the case, I would be

hard pressed to say that these people with indoor work in an air-conditioned Chamber, no heavy lifting are in greater need than some individuals who are paid substantially less in a much tougher situation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to support Senator Bloom. Had the opportunity of flying down with two of the Supreme Court Justices about a week ago. They only have now two clerks. With the frivolous cases and the caseloads that they do have in the Illinois Supreme Court, they are falling behind. Now we're talking about one more employee for seven justices at twenty-five thousand dollars a year, I think is quite practical and I think that we ought to support this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. As chairman of the Judicial Advisory Council, we've discussed this for quite sometime, and I think it...it's quite clear that the burden that is now placed on the Supreme Court of this State in case management as well as administrative management, to think that they can do that with merely two assistants each to do all the research on all the bills that are coming before them is just not sensible. As long as we are going to continue to increase their workload by our action, changing the categories of crimes, changing all the civil laws and in effect forcing more cases to go to that court and asking those who are the final arbiter to work with their hands tied just makes no sense. I think this is a very reasonable approach to allow them one more person to do research necessary for the unusually high

volume of work that those seven people are required to do. I think it is eminently fair to...to say to that coequal branch of government that they...if they see the need, and I happen to agree with it, to have three assistants each, it's a lot less than any of the other constitutional officers have and I think we should all be very supportative.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Carroll just stole my speech, but I rise in support of House Bill 1192 as amended. I agree with Senator Philip and Senator Carroll, this is absolutely essential. I urge all the members on this side to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Johns, for a second time.

SENATOR JOHNS:

Thank you, it's very seldom that I every rise for a second time. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Johns.

SENATOR JOHNS:

Are these reporters allowed to do outside work?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

I'm...I didn't understand the question...or now you're referring to the job sharing, the bill in chief?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR JOHNS:

Well, the question is, simply can they make additional revenue from other sources while being employed by the court?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Absolutely not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Johns.

SENATOR JOHNS:

Is Senator Carroll telling me that they only have seven people...I mean, only need seven more people, and are they...is he also telling me that a court reporter does research, and is he telling me that the entire staff is undermanned with the Supreme Court?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Since the question was asked to me, I'm sure Senator Bloom will allow me to answer. These are not court reporters, these are clerks or legal research assistants to the judges like we have in the Federal system and elsewhere in the State Appellate. Right now they have two each which would be fourteen. This would be a third one for each of the seven. This would be seven additional people and that's all, and, yes, the workload warrants it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Johns.

SENATOR JOHNS:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom may close.

SENATOR BLOOM:

Well, thank you, very much, I'd...I'd appreciate a favorable roll call. I know the bill was minor when it started off, but I think that in light of the action we took in the Executive Committee rejecting the higher paid clerks, I think...I think this is reasonable. I think all you have to

do is look at the workload of seven people in compressed time frames, and finally, please don't forget the other portions of the bill. I'd urge a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Question is, shall House Bill 1192 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 45, the Nays are 13, none voting Present. House Bill 1192 having received the required constitutional majority is declared passed. 1196, Senator D'Arco. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1196.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What the bill does is amends the barber law by revising the certification procedures applicable to barber schools and cosmetologists schools. They are in agreement. The department is in agreement, and I don't know of any opposition except Charile Chew because he doesn't have any hair.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1196 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 58, the Nays are 1, none voting Present. House Bill 1196 having received the required constitutional majority is declared passed. 1205, Senator Degnan. Read the bill, Mr. Secretary,

please.

SECRETARY:

House Bill 1205.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. 1205 as amended does essentially two things and those things are outlined clearly in your Calendar. Number one, it takes the director of the State Board of Elections out of the Election Code insofar as the salary, places him under the Personnel Code. His salary would have to be set by the State Board of Elections. Number two, it adds the position of assistant executive director for the Board of Election who shall maintain his office in Chicago. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. Well, the chairman of the State Board of Elections is from my district, and I just now received the phone message from him that the State Board has just now found out about this new position being created and they are adamantly opposed to it; and apparently this was done at the best of some staff person for the State Board of Elections, and the State Board is, quite frankly, very upset about it. They don't want this new position. They don't want a new assistance executive director, and they're very much opposed to it. I...I don't know when I got the phone message, but my secretary is in right now returning the phone call here in this booth to...for me to talk to the...to the chairman of the State Board of Elections, so I...all I know at this point is to tell you that Phil Gilbert has just

called me and told me that he is very much opposed to this. So I don't know why we're doing it if...why we ought to create another job when...when the folks that run the board say they don't want the job.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Johns.

SENATOR JOHNS:

Well, I just wanted to remind Senator Buzbee that Phil Gilbert is a Republican, and also I'd like to tell you that I'd just switched my vote, period. I'm going to vote for it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Well, I would like to say to the...Body here that, as a minority spokesman on elections, that I think that everybody had a...a due opportunity. We had the proper posting notice and everyone who wanted to come, who was interested in election bills, could certainly have come and testified on this bill; and this bill has bipartisan sponsorship and I...I support the bill, and I certainly didn't see any objection in committee to the support of the bill and I...I stand in strong support and urge your support also of this bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, stand in support of House Bill 1205 as amended. I think it's long overdue. The executive director has been vastly undercompensated, and I think the creation of a new position is in everybody's best interest. I urge an Aye vote by all the members on this side.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

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

HB 1208
3rd Reading

SENATOR DEGNAN:

Well, thank you, Mr. President. I think both of them, as Senator Rock has said, are long awaited. I appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1205 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 35, the Nays are 20, 3 voting Present. House Bill 1205 having received the required constitutional majority is declared passed. 1208, Senator Barkhausen. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1208.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, House Bill 1208 makes clear our legislative intent to have the activities of all types of local governmental units in the State which are authorized either by the Constitution of Illinois or by Illinois Statute exempt from antitrust liability. The reason for the need for this bill is that the Supreme Court in a 1982 decision entitled Community Communications Company versus City of Bolder said that the actions of local governments would be subject to antitrust liability unless the State had specifically authorized this type of regulation. The Supreme Court ruled that municipal activity of any sort is not exempt from Federal antitrust laws unless it constitutes the action of estate in its sovereign capacity or unless it constitutes "municipal action in furtherance or implementation of clearly

articulated...and affirmatively expressed State policy." The purpose of this bill then is to...is to clearly articulate and affirmatively express our State policy that all activities of local governments, as I said, authorized by...by the Constitution or by Illinois law shall not be subject to anti-trust liability. It in no way increases the realm of permissible local governmental activity nor...nor does it restrict it. It simply says that that which is presently authorized by the Constitution and by law shall not result in any...any antitrust liability to these local governments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would rise in opposition to the bill, Senator Barkhausen. It seems to me that it goes much too far. This goes back to my days as a teacher of anti-trust law, and to observing the kinds of legislation that local governments indeed that the State Legislature can enact, and some...if you look around at some of the Statutes that we have passed, as well as some of the ordinances passed by local governments, they are replete with anticompetitive motivation, let alone effect, and it seems to me that there really ought to be some break on the use of public policy...public power to enact laws that are basically for the benefit of private interest and are indeed anticompetitive. I agree that there are many things that are enacted in the form of law that do have a...a direct or indirect anticompetitive effect which are nevertheless legitimate public policy considerations, but a lot of those things simply are not in that category at all, and I would really be very sorry to see us give a blanket exemption to all local units of governments in this State with respect to their exemption...in effect, their exemption under the antitrust laws.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President, and if I may ask a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Egan.

SENATOR EGAN:

This...this passed the Executive Committee on the consent list, and it had not occurred to me to ask who wants the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, the Municipal League is obviously the key proponent. Let...let me also say, Senator...Senators Netsch and Egan, that...that legislation of this kind has been proposed in the Congress. It's supported by the probusines, proprivate enterprise Reagan Administration supported in the...and it's been sponsored in the Senate by Senator Strom Thurmond. So, as...as I think you can see, I don't...I know you wouldn't automatically jump on legislation supported by those individuals, but I think that at least is...is some indication that...that this is in no way meant to encourage local governmental units to engage in activities which are going to put private enterprises of any kind out of business. I...I will further comment, but let me answer any questions you have first.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, I...I guess more basically, does it affect any current litigation? I think that's what I'm asking.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, not that I'm aware of...it is in response to this decided U.S. Supreme Court case.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen may close.

SENATOR BARKHAUSEN:

...the reason, again, or the need for the bill...and in...try to respond to Senator Netsch, there are...of course there are number of...of activities that local governments are now engaged in for which one might contend there is competitive impact on the activities of certain private enterprises. I suppose garbage collection would be the most obvious, and in...in the absence of this bill, we are...we are opening up local governments whether they are engaged, say a school engaged in food service, a municipality engaged in garbage collection they're...they are potentially vulnerable to antitrust suits unless we make it clear that the definition of State...it is our intent that the definition of State action include those activities of local governments which are already authorized by the Illinois Constitution or by law. As I said, this is in no way intended to...to authorize...by law local governments to engage in...in activities they're not...not presently engaged in. It is simply an effort on our part to protect them from antitrust liability when they continue to engage in those types of activities that are authorized. It's in no way anticompetitive or antiprivate enterprise in its intent. I think it's simply a common sense measure to stem the potential floodgates of antitrust litigation which will result unless we, in this General Assembly, take this type of action.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1208 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have

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3rd Reading

all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 6, none voting Present. House Bill 1208 having received the require constitutional majority is declared passed. 1223, Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1223.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1223 deals with the tax that's levied by local school districts outside of Chicago for special education building purposes. A number of years ago we authorized local schools to levy two cents in the elementary and high school districts and four cents in unit districts for a period of up to eight years for purposes of special education buildings. As the time has gone on, we have found that most of the building requirements, physical plant requirements, have been addressed and the need today is not for buildings but for services. With the increased mandates imposed upon all the school districts by the Federal Government and confirmed by the State under Public Law 94142 in our Statutes, school districts are being pressed and squeezed to provide mandated programs for handicapped children. This bill does two things. Number one, it eliminates the eight year limit on the time that that levy can be authorized and it broadens the purpose for which that tax can be levied so that it's not only for school...special education buildings but for any special education purpose. This bill was...supported in committee by the School Board Association. I have passed out

an memorandum that explains in detail why the need for this bill, under the letterhead of the Illinois Association of School Boards, EDRED, School Problems Commission, Illinois Association of...of School Administrators, the IEA, the Illinois Association of Special Education Directors and the Illinois Association of Retarded Citizens. I'll be glad to respond to any questions, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to House Bill 1223. Senator Berman, you...you weren't quite accurate in that...this particular bill changes the scope of what the dollars can be now used for. We changed that last year, as I recall. We took it and broadened it to cover all areas of...special education. So, just for the record, that was changed a year ago. Let me remind this Body that we also had an agreement a year ago in this particular area. This was attempted and was suggested, and I believe came very near to passing last year, but an agreement was made that we would allow these dollars to be used for any special education purpose last year but it could still only be used for a period of eight years. If a school district had used this rate for any period within that...first eight years, then they could use it for the remainder of that period; be it three, four or five years, however many years they had not levied against that rate for any special education purpose. That was agreed to by this Body. It was discussed on this Floor and passed. Now, what we're going to do is to take the eight year limit off the tax increase without a referendum and extend it from now on, and I would suggest to you that this is one of the greatest manipulation of...of legislative intent that I've ever seen. I'm disappointed with the School Board Associa-

tion and other groups for supporting this, but I would remind you, look also at your analysis and you'll find that the Taxpayers' Federation, the Farm Bureau and others oppose the concept. Let's call a spade a spade, and I believe then we should...should defeat House Bill 1223.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I must say that it is with some reluctance that I...I rise in...in support of this bill. Reluctance because I, too, like Senator Maitland do not...like to rise and speak in favor, much less vote in favor of bills that provide for nonreferendum tax increases, but I do think that, in this particular situation, we're dealing with a crisis. Those of us who go home on weekends and talk to our constituents in our school districts about the pressing need for funds know that because of the Federal mandate to provide special education services and because of the serious problems this State has had in fully funding categoricals, especially special education, there simply hasn't been the funding available to provide services to handicapped kids in the State of Illinois, and what we're trying to do here is meet that obligation under what certainly are difficult conditions. So, I would stand in support of this bill. I do not know the history and the legislative intent behind these measures, but I'm sure as we watch the negotiations that have been going over the last few days and weeks of this Session, we will see many previous agreements and legislative histories cast aside as we try to solve difficult problems. As far as I'm concerned, one of the highest priorities...one of the highest priorities of this Illinois General Assembly ought to be the funding of education for handicapped children, and if it takes this bill to do that, then I think we should support

it. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of it but I want to be very brief 'cause I think most of the points are made. When the original bill last time came through, as...as the chairman of Education Committee will remember, I was very hesitant but supported it then. This bill in committee, I basically opposed, but said let's let it out. I want the numbers that show does this bill supply as much money, more money or less money than the shortfall in special education funding? By not fully funding the categoricals, there's a shortfall between what we mandate and what we give them. Even with this bill, we don't even fully fund what the categoricals should be. This is not some huge amount of new money. When you look at the special ed. mandate with this bill, we aren't even at a hundred percent funding of categoricals. All we're saying is the local guys at least can come up with a little bit to help themselves to try and pay for the mandate we've put upon them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in support of House Bill 1223, and I believe Senator Maitland was correct when he brought about the initial intent of the legislation when it was originally passed but the only changes the amount of Federal dollars coming back we'd at least have the programs in this State. Now Senate Bill 1223 will address the lack of Federal funds and, yes, remove the eight-year cap but, unfortunately, you only have one or two...two...two options; either eliminate the

program for the handicapped or provide a measure as such as this to replace the Federal funds, and for that reason, I support 1223 and ask that you do as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you. Senator Maitland, I hate to get into these constant debates with you, but I would suggest you read the bill. The bill we passed last year had a condition before you could tap into these special ed. building fund and that was that there was insufficient funds in operations, buildings and maintenance. That is a substantial difference. What we're saying by this bill, unlike the bill that we passed last year, is that you don't have to start denying services to nonhandicapped kids before you can...tap into this levy that was intended for handicapped children. There's a substantial difference there. It's still, in my opinion, within the...intent of what this levy was originally made for and that is to address the needs of handicapped children. It is an important move forward so that you take care of not only the needs of the nonhandicapped but also of the handicapped. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1223 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? Have all voted...have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 19, 1 voting Present. House Bill 1223 having received the required constitutional majority is declared passed. Bottom of page 15, Order of 3rd Reading, House Bill 1224, Senator Welch. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bil 1224.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this bill is to require the toll highway to pay for overpasses in certain townships where the toll highway has caused an overpass to be built. The current law, according to toll highway, is they pay for the structure but not the roadbed itself. This would clear that up and make them responsible for the roadbed as well. We previously, in this Session, passed out a Senate bill exactly the same as this, and I would urge the passage of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1224 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Sam. Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 1224 having received the required constitutional majority is declared passed. Top of page 16, 1227, Senator Savickas. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

1227.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 1227 deals with the question of the applicability of the use tax to the refinery waste products and byproducts. In a

recent Supreme Court decision in October of '82, it greatly affected the status of the use tax of these products. Basically, the court decision which was Mobile versus Department of Revenue, had the...applying the use tax to refinery waste products; moreover, the decision mandated that the tax liability accrued under the use tax would be based solely on the cost of crude oil, not on the products directly taxed. House Bill...1227 seeks to modify the effect of the Supreme Court decision. The bill says that the use tax would, indeed, apply to refinery waste products and the byproducts but, however, the tax liability for this application would be based on the fair market value of the products taxed, as opposed to an arbitrary liability based on the cost of crude oil. I think this is a fair compromise. I would seek your support in the passage of House Bill 1227.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, just briefly, Senator Savickas. It is my understanding that the purchase of portions of purchased products used in a...a refinery or coal gasification process which subsequently must be discarded as a waste product or cannot be sold or used in a refinery or processor is not a purchase at retail and, therefore, a nontaxable purchase, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, I think what you're getting at is part of the heart of the problem that as waste products, especially stuff that is pure waste that they burn off and use it for fuel...internally, that they do not sell, they are being taxed as if they had bought fuel to run their generators. So, they're using this internally. It's a waste product that

they cannot sell and they wish it to be taxed as...whatever the cost would be the fuel portion then as a barrel of crude oil.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is, of course, another special interest bill where we are rewriting the tax laws to take care of particular problems which is as a general rule not a good policy. In this case, I would say at least that the...those who have sponsored this bill do have a point. It is...it is likely that the court decision which, in effect, measures their base price...their...for the Use Tax Act by the price of crude goes too far in one direction. It was my suggestion during...in committee that the trouble with this bill is that it goes too far in the other direction, and by using market value, particularly with respect to the catalytic byproducts and certain other byproducts which admittedly don't get sold and, therefore, have no market value, they will, in effect, be wiping out any tax base. The estimate that we have is that the bill will cost the State about nine million dollars in lost revenues annually. I...I recognize their problem. I am sorry that they chose to go too far in the direction of removing their tax liability.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support of this bill. I think that the...the system of taxation of these...waste products that we have used to this point has been basically unfair in that they have been valued at a...at a higher level than they...than they should have been. What this bill does is to establish a...a fair and more equitable way of establishing value, and I would ask

for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Egan.

SENATOR EGAN.

Well, thank you, Mr. President and members of the Senate. This is particularly why we just voted another law clerk for the Supreme Court, because their decision, obviously, is totally wrong in this case, this legislation is good.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Yes, Mr. President, I would seek your support on this. It's obvious that there are flaws as there were some minute flaws in the tax collection bill, but you cannot...cannot just kill the bills that serve a useful purpose because they are not perfect. I would suggest that we pass the bill. Next session if there are problems with it, let's introduce, let's work it out, but do not vote against the bill because it isn't perfect. There's not one piece of legislation that has come out of this Legislature that is perfect except maybe Senator Egan's. I would solicit your Aye vote on House Bill 1227.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1227 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Senator Savickas. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, 3 voting Present. House Bill 1227 having received the required constitutional majority is declared passed. 1228 is on the recall list. 1235, Senator Weaver. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1235.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. This does just as the Calendar states. An employee will become a member of the pension system on his first day of employment. The reason being for this, basically, is that many employees in the university systems are on part-time government contracts, and if they're not a member of the system...their contribution is not taken into consideration by Federal grants, and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1235 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 1235 having received the required constitutional majority is declared passed. 1237, I'm told is to be amended. 1239, Senator Lenke. On the Order of 3rd Reading, the middle of page 16, on the Order of 3rd Reading...House Bill 1239. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1239.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lenke.

SENATOR LENKE:

What this bill does is amends the Mobile Home Landlord and Tenants Act to work out some of the problems. It gives the trailer park manager a discretionary right to prior

approval of the sale of mobile homes if the home is to be remained in the park after the sale. I think this is a good bill. I think it's a bill that's been worked out between the managers and the people that have the trailers there, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Keats.

SENATOR KEATS:

Yeah, a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Keats.

SENATOR KEATS:

Why the Attorney General instead of local state's attorneys?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

This was part of the agreement. Don't ask me why, but this was a part of the agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Whose agreement?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Well, the...the...there's an association of what we call tenant mobile homeowners and there's an association of mobile home parkowners and they got together and come up with this compromise bill to take care of this problem. That's all I know. They...this is the way they put it. I have...I have...I cannot give you a reason why the Attorney General instead of local state's attorney.

PRESIDING OFFICER: (SENATOR DEMUZIO)

HB 1249
3rd reading

Further discussion? Senator Keats.

SENATOR KEATS:

Yeah, I...I understand what you're saying and I'm not saying the bill is totally unreasonable, but that's why we have state's attorneys. That's why we have local state's attorneys in most counties. To put it at the Attorney General level, that's like asking the Attorney General to enforce a parking ticket, and, you know, I mean, I happen to think quite highly of...of General Hartigan and I don't think he cares about parking tickets. Well, this is almost the same thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Lemke may close.

SENATOR LEMKE:

I ask for a favorable license. I...I think in what I'm gathering, it's a State license involved, that's why it's the Attorney General according to my good friend, Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1239 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 49, the Nays are 2, 1 voting Present. House Bill 1239 having received the required constitutional majority is declared passed. 1244, Senator Bruce. Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. A controversy has risen over 1244 that I don't believe can be worked out in the remaining days of the Session. I would move to recommit that bill to the Committee on Pensions and Personnel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce moves to recommit House Bill 1244 to the

Committee on Pensions. Is leave granted? Leave is granted. The bill is recommitted. House Bill 1245, Senator Coffey. Senator Coffey on the Floor? 1249, Senator DeAngelis. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1249.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. The bill says exactly what the Secretary has stated. The other changes that are on it, it provides for the seniority for an employee who is a member...who was a member of the House...who was a House Page which would insure his seniority. This gentleman went to work for the Department of Conservation and was put on a lay-off after he had twelve years in the House as a Page. The only thing we're restoring is his seniority. I'll be happy to answer any questions. If not, I urge the passage of House Bill 1249.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Question is, shall House Bill 1249 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 51, the Nays are 6, none voting Present. House Bill 1249 having received the required constitutional majority is declared passed. 1252, Senator Hall. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1252.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill does exactly what it says in the...in the...on the Calendar here, and what it does it releases the interest in land in St. Clair County. Upon payment of eight thousand two hundred dollars, it releases interest the State may have in land in St. Clair County for highway purposes. Senate Bill 811 already includes this piece of real estate as part of the DOT official passage and was passed by the Senate at a 59 to 0 vote. So, I'd ask your most favorable support of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1252 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Leroy. 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 1252 having received the required...required constitutional majority is declared passed. 1253, Senator Savickas. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1253.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 1253 creates the Casino Enterprises Authorization Study Commission...for the determining of feasibility of having casinos in Illinois to help our..solve our revenue problem.

I would move its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Is that correct? Is this casino enterprise...is this what this is, casinos?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

...Senator, it says, C-A-S-I-N-O, Casino Enterprises Authorization Study Commission. This is to determine the feasibility of authorizing casino gambling in Illinois, like in Miami, or Vegas, or Atlantic City, it's for a purpose of raising revenue like horse track betting in Illinois, like playing poker or gin, as many of our people do, or bingo...it's...it's to...to study of feasibility of allowing casino gambling in Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, this bill is so good, I want to know where the appropriation is and how much is it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS

Senator, I don't have the appropriation bill. I was asked to handle this bill. I don't know where the appropriation bill is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Do you know at what level they're seeking this fine commission?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas. °

SENATOR SAVICKAS:

No, I don't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Now to the bill, Mr. President. If there's really anything that we don't need is another commission, especially to study casino enterprise authorization. I believe that the people of this State have spoken loud and clear on this issue, and I don't believe that any study from this Body or from the joint House and Senate will alleviate the concerns of the people of this State in reference to having...the possibility of having undo influences by unnamed people in conducting casino legislation in this State. It was loud and clear, in fact, the mayor of the City of Chicago this morning spoke out against casino legislation in the City of Chicago. I believe, in downstate Illinois, the people have respectfully voiced their very loud opposition to casino legislation in this State for...there's no reason why we should create a commission to study this issue. I encourage a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. That's all we need is another frivolous commission. Now we have the Chicago Crime Commission who happens to have a study on casino gambling, and I'd suggest to you...I can probably get you a free copy, they do not recommend it. Now, you know, times are tough in Illinois, we're down to nine million dollars cash on hand. They're holding up bills and we're talking about creating another commission with another staff and with more appropriations, a very, very

inappropriate time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Precisely, I don't think we need a commission to tell us that we do not need casino gambling in the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I'm...I'm just chagrined that all of these small thinkers we've heard from on this...this...obviously, inspirational piece of legislation. Now, think about this, this commission would have to study casinos. Las Vegas, I mean, Miami, I mean, you know, you guys think...think, my God, France, the Riviera. I mean, you know, San Francisco was just nothing, let's not leave this golden opportunity, let it go. I mean, my God, think of the implications. How many members do you have? I hope it's a large number. There's nine million dollars left in the till, we can take it all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Senator, that's pretty tough to follow. Senator Schaffer put his finger on it pretty well, as did Senator Lechowicz and others; but what Senator Schaffer was referring to, I think, is covered in Item 4 of my analysis where it says, "The commission may, without regard to the Personnel Code, employ and fix the compensation of an executive director and such stenographic and clerical assistances as it considers necessary to carry out it's responsibilities," and send them to Nice, France and send them to Las Vegas, and ye Gods.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dawson. Further discussion?

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The gentleman who just complained about that language, I would point out that that is what is called in the...in a word of art, that's boilerplate language...that is in every commission bill, every legislative commission bill. I rise in support of House Bill 1253...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Can we have order, please.

SENATOR ROCK:

And all of you who are booing, you can be sure you will not be appointed. All right? But I think if...we...we have to, as I've said many times, live in the real world. The fact of the matter is that when we presented a...a study that...is in dire need of update, with respect to both off-track...track betting and casino gambling, it an enormous source of revenue for our otherwise beleaguered cities; particularly, the big city in Illinois. It does not seem to me that it's a bad idea to, at least, study the feasibility, which is what this legislation calls for, and suggest that perhaps there is an enormous amount of revenue. I don't think there's any necessity, frankly, to go to Vegas, or Monte Carlo, or anywhere else; but I think it's...it's important that before we make a decision, and you can be sure in the next couple of years we'll be called upon to make a decision on this proposal, that we at least ought to have the benefit of the study. I urge an Aye vote. We've got so many commissions, one more isn't going to make any difference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? We have three additional Senators that wish to speak. Senator Hall.

SENATOR HALL:

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

Senate. I rise in support of this and, of course, now, to no surprise, I guess everybody is...was expecting me to be for it, but we need revenue. Now many people are leaving this State going elsewhere. You know, it's time for us to get out of the closet and come out in the light. It's a good bill and I urge support of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey.

END OF REEL

REEL #5

SENATOR COFFEY:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR COFFEY:

Yes, Senator Rock, I just wanted you to know that I was not one that hissed and I do like Freeport.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I...I rise for two purpose, I wanted to make sure, Senator Rock, that I rise in opposition so that I don't get appointed to it; and I, also, rise to tell you while the lights are flashing, somebody up there don't like this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Thank you, Mr. President. Senator Collins, I think the message is to reconsider your thoughts that without the power...without the revenue to fund the lights here, they will all go out all over our cities. I...I've heard Senators speak that they've got the message that...loud and clear that people don't want it. That's a lot of bologna. I'm out in the communities. If they don't like gambling, why are they flocking to these flights to go out to Atlantic City and Vegas and spend their money out there? You've got charter flights where they'll take them for nothing just to go to Atlantic City for one day to spend Chicago and Illinois based money in Atlantic City to revive Atlantic City. I think this

is a foolish thought. We talked about the Chicago Crime Commission, they're against anything, that's why they stay in existence, they have to be against everything to perpetuate their own existence. I think that you'll find, as Atlantic City did, that if casino gambling is allowed, it's very well regulated and controlled. The monies that are brought into its city help pay for all of its social services, its programs and education. All I say is that we should look at it, let...let the Legislature get a report on it, how much money we can bring in both, into the city and into the State. How many of you now, under same provincial thinking, would vote for race tracks? Look at the money that the race tracks bring into Illinois, into your communities. I would suggest that this a good...good commission; a commission that we should look into, and I would seek your Aye votes on this.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall House Bill 1253 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 11, the Nays are 43, 1 voting Present. House Bill 1253 having failed to receive the required constitutional majority is declared lost. 1257, Senator Welch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1257.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, Senator, I did skip your bill. Well, thank you, very much. With leave of the Body, we'll return to Senator Maitland's bill, the Chair...overlooked it. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill, House Bill 1257, is

one that was debated extensively yesterday morning on the Floor of the Senate concerning several amendments. What this...bill does is increase the hazardous waste...disposal fees. It increases the fee for off-site disposal from one cent to...to five cents per gallon and from two cents to ten dollars and ten cents per cubic yard. It imposes a fee for on-site disposal of three cents a gallon. It also imposes a fee on deep well injection. Furthermore, it provides that the General Assembly shall appropriate to the Hazardous Waste Fund such amounts as it deems necessary, if necessary. Furthermore, it provides that eighty-seven and one-half percent of all receipts are to be deposited into the Hazardous Waste Fund; currently we're depositing seventy-five percent of all fees. It also provides that 12.5 percent is to...be deposited into the Hazardous Waste Research Fund; currently we're depositing twenty-five percent. It also provides the monies in the Hazardous Waste Fund may be used to take removal or remedial actions whenever there is a release or threatened release of a hazardous substance. Furthermore, it requires the Pollution Control Board to adopt a hazardous substance plan which shall establish procedures and standards for responding to releases or threatened releases. It authorizes the director of the Environmental Protection Agency to seek judicial relief to abate hazardous waste releases. It also establishes liability for cleanup. This is the major piece of legislation affecting waste disposal in this Session of the Legislature. Last year we collected approximately three hundred thousand dollars; this year we hope to collect more than two million dollars to help cleanup hazardous waste sites throughout the State of Illinois. I would urge a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Mr. President and Ladies and Gentlemen of the Senate, having kept this 1257 clean, and I think in good form, I'm happy to rise in support of 1257 and hope that we pass it out of here promptly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Unfortunately and reluctantly, I rise in...in opposition to House Bill 1257. An amendment was presented in my name and I am sorry I was not on the Floor to present it myself, I was otherwise occupied. But the fact is, that we passed a Senate bill out of this Chamber that provided essentially the same direction but was fair and equitable. And it provided a uniform system of taxation or fee and also provided that those in the business who had not, in fact, paid their just due and who are now being sued by the Attorney General, I am reliably informed, would not, in any respect, be able to do anything until they at least paid their debt to the State of Illinois. This bill in its unamended form, or at least without my amendment, does not, in any respect, restore that parity. It has a different level of fee for different operations, does not address the question of those who have been delinquent and derelict in paying their taxes; and for that reason, I think it ought to be reconsidered. I would ask the gentleman if he would be kind enough to take it out of the record, we'll consider again my amendment; and if he is unwilling or unable to do that, understandably, I urge opposition to House Bill 1257. It simply ought not to be in this form at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. And Senator Rock, I'm sorry,

but I...I do not want to...recall this bill. Let me respond to the argument that there is parity. I agree, I agree there is parity when you have five cents per gallon across the board. But let's not confuse parity with fairness. Who is it fair to? It's fair to the...the off-site dumpers, that's who it's going to be fair to. It's going to be five cents a gallon on-site and off-site and deep well, and who's that fair to? Well, let's...let's just point out the group that's been passing out a...unnamed poop sheet here, Waste Management Company. There are in fear, and they, too, are being sued by the Attorney General, by the way, for their operations around the Chicago area. And what five cents across the board would do would be to; one, run the deep well producers, at least one of them, out of the State along with one hundred jobs; number two, it would not encourage off-site disposal of wastes, rather it would encourage the disposal...it would not encourage on-site disposal of waste, excuse me, rather it would encourage the off-site disposal of waste. And what does it mean to encourage off-site disposal of waste? Well what it means is this, you're going to have these waste disposal sites popping up from county to county, like they are in my county, we have one, Pioneer Processing now just west of Ottawa trying to come in, and Waste Management has one in Calumet City, and recently there was a big demonstration down there, several...several people were taken away and jailed for protesting the continued operation of that site. I think that the five-cent amendment was defeated yesterday and properly so. I don't think it's fair to the people of the State of Illinois. It's fair to Waste Management, yes, but not to the consumers and the people throughout the State. So, Senator Rock, I'm sorry, but I cannot bring this bill back from...from 3rd reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. What we are embarking here is a new direction in public policy in terms of who's going to pay for the super fund. We have three categories, the off-site, the on-site and the deep well. Two of the three categories have caps; the third category does not have a cap, which means any additional monies that are required are going to be paid and, Senator Welch, not by Waste Management, sir, by the accounts that Waste Management services who are the smaller people who do not have the capability of providing on-site hazardous waste sites. Waste Management is nothing more than an conduit, they just collect the money and they charge people for the money they collect. And what I am concerned about, not today, because today we don't have a need for a lot of money; but once we've created a cap in two categories and we've left one category open, that's exactly who's going to pay for it when we need the money and that's what's unfair about the entire bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

(Machine cutoff)...President and Ladies and Gentlemen of the Senate, it's about time we did something. The landfill companies have gone too far, they pollute the ground, they do a lot of things and some of it is not very healthy. I think we have a duty to try and set up this fund in order to have some means to combat the bad effects of some of the things done by landfill companies. I think we have a duty to protect the health, safety, and welfare of the people; it's high time we started. It may not be the best bill but it's a bill that...that is a step in the right direction, and I wholeheartedly support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in favor of this bill. I think we ought to encourage on-site landfills rather than to remove it and put it in a...a landfill, and the problem we're having with this special fund now is to take care of those off-site...yeah, off-site disposals. We have five deep well operators in Illinois, each depositing only their own waste waters, and all those depositors protect underground drinking water supplies to a greater extent than the surface land disposal methods that we're trying to encourage by the amendment that was proposed the other day. Deep well handlers...deep wells handle large volumes of water including storm waters which is...cannot be discharged as safely if it's discharged on the surface. We're asking those people because of the runoff and they discharge it in the deep wells, we think they ought to pay so much a gallon for those...the water that goes along with that possible polluted water. And I think it's very unfair, I think this is a good bill. The...the deep well people are spending three million dollars for each deep well that they invest in on site, I think that is a...that is a large cost to them, they are very well protected, they're...the...the EPA watches those deep well injections; they are protected by triple line pipe; they're down over a mile underground and there is no danger to our water supplies, and I think it is the best way to get rid of that waste water. I think this is a good bill and let's support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. In talking about the caps, I think it's important that we should discuss them separately. Number one, the deep well cap; the main purpose for the cap

on deep wells between two thousand, four thousand and six...thousand dollars, depending on the amount of waste sent into a deep well, is based on the idea that it is so diluted by the time it is disposed of, it is more than ninety to ninety-nine percent water. So, therefore, to charge people five cents a gallon, you're charging them mainly for water being disposed of, which is not in itself the hazardous waste we're trying to avoid. As for the ten thousand dollar cap for on-site disposal, the purpose of the ten thousand dollar cap; number one, the people who dispose of waste on site already have a substantial amount of money in their waste disposal process. Secondly, most on-site generators are below the ten thousand dollar cap, and if you put the cap on there, those who are close to it, one way or the other, are probably going to pay the ten thousand dollars so that they won't be bothered with...with trying to figure out exactly how many gallons, one way or the other, they are; they will pay the ten thousand dollars and get it over with and probably save us money for administrative purposes. So, I think it's important that the State of Illinois, today, here, pass this bill so that we do start collecting some money so we can start matching the Super Fund. This bill is the only game in town today. It's not a choice between the five-cent fee and a five and three-cent fee, it's this or nothing. It's this or going back to one cent and nothing for deep well dumpers. So, I think it's time the State of Illinois said, we are going to start cracking down on pollution...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Point of order.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR ROCK:

The Gentleman has to understand that there are two and four and six-wheel vehicles still laying around all over the place, this is not the only game in town.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch.

SENATOR WELCH:

Thank you for reminding me. But in...but in closing, let me just say that I would encourage a...a favorable vote. Thank you.

PRESIDING OFFICER:

Well, Senator DeAngelis, he was closing. The question is, shall House Bill 1257 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 17, 2 voting Present. House Bill 1257 having received the required constitutional majority is declared passed. I skipped over 1255. Senator Maitland, are...are you ready? Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1255.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. First of all, on a point of personal privilege. I was off the Floor when the last vote was taken, and I would like the record to show had I been on the Floor I would have voted in the affirmative.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will so state. Senator Maitland.

SENATOR MAITLAND:

And to the bill, Mr. President, House Bill 1255 really is

some clean-up language. It clarifies that the secretary of the Regional Board of School Trustees must file certain information regarding proposed boundary changes to the regional board. There is some confusion about which secretary we're talking about, this legislation clearly indicates then that it will be the secretary of the regional board who files.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Is there any discussion? If not, the question is, shall House bill 1255 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 58, the Nays are none, 1 voting Present. House Bill 1255 having received the required constitutional majority is declared passed...oh, Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR KEATS:

On 1239, Senator Lemke's bill, I had raised some question about why does the Attorney General enforce it when that's what state's attorneys are for. My analysis was in error. Everyone seemed to agree and they took out the Attorney General, it is enforced by state's attorneys. My analysis is out-of-date, I apologize, I voted No. Had I had that amendment, I would have voted Yes, and I'd like the record to reflect it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will so reflect. On the Order of 3rd Reading, House Bill...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. While there is just a lull

before Senator Bruce gets to 1259, there have been some inquiries with respect to the schedule. We will adjourn this evening at 6:00 p. m. again. We will commence tomorrow morning at ten and continue until approximately three o'clock, no later than three o'clock. On Sunday, we will commence at eleven and continue until two o'clock. Eleven to two on Sunday, ten till three on Saturday. Monday morning we will start at 9:00 a. m. That is the last day to consider House Bills on 3rd reading in the Senate, we will go as long as it takes to finish.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of 3rd Reading. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR GEO-KARIS:

I have to notify you that...as you know, Sunday evening is Greek Night at the Mansion at 6:30 p. m. Please be advised that you have to call in on the little slip of paper on your invitations your reservation. There's a big auto show in town, about a hundred and fifty thousand people are expected, and we're very interested in keeping outsiders outside of the Mansion. So, each ticket that you get admits only one person, keep that in mind. And if you need any further information see Representative Nash. But that's the story and that's what it's got to be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of 3rd Reading, the top of page 17, House Bill 1259. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1259.

HB 1261
3rd Reading

(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. I asked Senator Rock why this bill was not on the Agreed Bill List and they reminded me that Senator Savickas and I had put it together, so I have no one to blame but myself. The companion bill, in fact, is on the Agreed Bill List. This creates the Illinois Export Council within the Illinois Department of Commerce and Community Affairs. It was suggested by the Federal Department of Commerce, the chairman would be the Lieutenant Governor. They would meet quarterly and coordinate and direct the efforts of the State of Illinois Department of Commerce and Community Affairs in development of international exports of businesses of the State of Illinois. I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1259 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 58, the Nays are none, 1 voting Present. House Bill 1259 having received the required constitutional majority is...is declared passed. 1261, Senator Grothberg. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1261.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTBORG:

Thank you, Mr. President and fellow Senators. House Bill 1261 merely clarifies that the Metropolitan Civic Center, in this case of the City of DeKalb and amended in also the Metropolitan Center of Aurora, are, in fact, tax exempt to clarify any of the...leasehold and...and operating problems that they have had for lack of that definition. It's that simple. I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall House Bill 1261 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1261 having received the required constitutional majority is declared passed. House bill 1262, Senator Maitland. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1262.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. House Bill 1262 provides that the State shall make up a one-time grant to new districts in their first year. In the event that there is a...a deficit between...in both districts, then the...the grant would be a difference of those two grants. This is another one of the bills intending to encourage consolidation.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 1262 pass. Those in favor vote Aye.

HB 1264
3rd reading

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 1262 having received the required constitutional majority is declared passed. House Bill 1264, Senator Watson. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1264.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 1264 amends the...Psychologist Registration Act to require that all psychologists and its association or partnership hold a valid existing certificate of registration. It...also authorizes the department to enforce the Act and it was an agreed bill originally by the Illinois Psychological Association and the Department of Registration and Education. We added four amendments. The first amendment was a technical amendment. The second amendment was again a technical amendment which added Section 11 of the Act to the bill to make the necessary changes concerning corporations as referenced in Section 3 of the Act. Amendment No. 3 was an amendment offered by Senator Berman which satisfied some of the concerns of Northwestern University, I believe, and added the language, "professional curriculum" into the Act and deleted "school, college, university or other institution." Amendment No. 4 was an agreed amendment which clarified who may assist and work under the direction of a psychologist in a corporation and also changed the makeup of the board. I know of no opposition. The bill passed a 110 to nothing in the House and would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall House Bill 1264 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 59, the Nays are none, none voting Present. House Bill 1264 having received the required constitutional majority is declared passed. House Bill 1280, Senator Netsch. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1280.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. No, this is not the vehicle for an income tax bill. This bill deals with a question of what we believe to be genuinely a case of double taxation. Under Federal tax law, taxpayers who take a dividend on public utilities in the form of a stock reinvestment can exclude up to seven hundred and fifty dollars per year or fifteen hundred dollars on a joint return from their Federal adjusted gross income. That stock is then given a zero base so that when it is ultimately sold it is...has a zero base for capital gains purpose. Under Illinois tax law, we automatically add something back...add that stock dividend back into Illinois taxable income. That means that...the same dividend gets taxed both up front and subsequently when it is sold in the form of the capital gains tax. So, what this does is say one or the other and it removes it from the up front add-back of the dividend on your Illinois tax form and removes, I think a...what isn't a genuine double taxation. I would...might say that the reason for doing it at this end

rather than at the end when it's sold as capital gains is that the Federal provision is a temporary four year provision. By doing it this way, we will exactly track the Federal law and when it expires so will this break under our Illinois tax law.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, a question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates she will yield. Senator Jerome Joyce.

SENATOR JEROME JOYCE:

You know, if...if you have a stock on a utility, the Commerce Commission is guaranteeing you a profit on that and then you want to take that off the...the tax also? Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Well, I think...you don't want to lose all of it, the problem is you end up paying it twice on this particular form of taxation. You add it back onto your Illinois tax and it becomes part of your taxable income for Illinois Income Tax purposes and then when you sell it, because you...you get a zero base under the Federal law...you...it gets taxed again when it is sold. So you literally are paying the tax twice on the same amount of what would otherwise be income.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce. Further discussion? Further discussion? The question is, shall House...Bill 1280 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 58, the Nays are 1, none voting Present. House

Bill 1280 having received the required constitutional majority is declared passed. House Bill 1286, Senator Jones. House Bill 1287, Senator Geo-Karis. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1287.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 1287 amends the Anatomical Gift Act to provide that when bodies are donated to science or to the demonstrators or to other hospitals or what have you, that they're...they're...if the...there is a request to return the remains of the body even if they...it's just the ashes, that that...request be honored. If the terms of the gift of the body do not preclude the return of the body, that's when the donee must honor the request. If the terms of the gift of the body do preclude the return of the body, then there's no problem. It's a humane thing, we've had families who have donated husbands' or donated their wives' bodies to science at their request and then the...did nothing about the remains, and the children later would not talk to the father saying they cared nothing about the remains of the mother. So it's a humane bill sponsored by Giorgi and Matijevich in the House. I request favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bloom.

SENATOR BLOOM:

Senator Geo-Karis, this bill was in Executive Committee, was it not?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

This bill was in Executive Committee and I moved to...to discharge committee and send it to the Health, Welfare and...and Corrections Committee before any vote was taken on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

As you may recall, we were just about to have a roll call to kill this bill and you said, "Oh, please don't do it." As a matter of fact, there was a roll call, but a Do Pass motion failed, and instead of reversing the roll call you asked us to leave it there. I recall this very well because it's one of those bills that leap out at you. And I apologize to Senator Buzbee, I thought that his election bill was one of the dumbest bills of the Session, but I think this one...this one far outdoes it. This approaches the Flat Dog Act and...it's a scope.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Buzbee.

SENATOR BUZBEE:

Well, on a point of personal privilege, the Senator mentioned my name in debate and said I had one of the dumbest bills he'd ever seen. First of all, Senator, I've had dumber bills than that before. Secondly, I thank you for taking that title away from my bill and now bestowing it on Senator Geo-Karis' bill. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Well, I...I just wanted to mention about the things that went on in Executive. We came to a...a stagnant vote and knowing that we really didn't understand the bill, Senator

Bloom, we referred it to a committee that we thought did. Obviously, they probably understood it better than us because it got a more favorable vote there, but we...we never did take a vote. We started to take the vote but never finished.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

You mean all that time we spent in Exec. Committee debating the merits of this great, great bill went for naught? Are you saying we did not take a vote, 'cause I know my memory is bad but I know it got a do...a...a Do Not Pass vote or the vote was terrible, it was...it was terrible.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Further discussion? Senator Geo-Karis may close.

SENATOR GEO-KARIS:

If I may answer that, there was no vote taken in Executive Committee. Senator Davidson made a motion and I said, hold it, because I'd like to get a hold of the sponsor which I did, and the sponsor helped me transfer it. This is a humane bill, there's nothing wrong with this bill. If there are any remains left in the ashes, if there is a request why not honor it. It's a very humane bill and I don't see why you could call it so bad.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1287 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 19, 4 voting Present. House Bill 1287 having received the required constitutional majority is declared passed. House Bill...Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

HB 1290
2nd Reading

Yes, thank you. I had my light on prior to her closing. I did want to ask the sponsor a question. What happens in those cases if the...the...the donor did not want his or her family to...to get involved with it? And...and you closed it out before the questions could be asked.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator, to my recollection, you did not turn your light on until she was closing. We were just trying to expedite the procedure. The Chair will take note of your not being recognized and watch a little closer. House Bill 1290, Senator Etheredge. Senator...read...read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1290.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, House Bill 1290 is permissive legislation. It permits the IEPA to enter into...contractual relationships with counties and municipalities for the enforcement of the rules and regulations established by the EPA or the Pollution Control Board. I would be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, while they're discussing the bill, I would like to get a ruling on whether...if this is preemptive or not.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. We'll take a look at it, Senator Savickas. (Machine cutoff)...discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator, could the local governments and municipalities have laws that are less restrictive than that to be enforced by the EPA?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

No, definitely not. The rules and regulations would be...would be established just as they are now.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Does the EPA...desire this legislation to eliminate some of their work?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes. Yes, the EPA supports the...they participated in the drafting of the...of the amendment which is now the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Can you...can you tell what specific municipalities or areas they have contemplated entering into agreements with?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

I cannot respond to specific...municipalities. I do know that up in...in my part of the State there are counties that are interested in working cooperatively with the EPA in this

regard. And I think you should point out that there are...there are advantages that the local units of government could frequently have in the enforcing...enforcement of the rules and regulations established by the Pollution Control Board.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch. Further discussion? Further discussion? Senator Savickas, on your question of preemption on...on page 6 of the bill, subsection B, the language is, "the agency," and that is the Environmental Protection Agency, "may enter...into written delegation agreements and they may delegate all portions of its inspection, investigating and enforcement functions." And so, under the Constitution it's not a preemption, it is...it is the authorization to the agency and it...it is not preemptive, then it is...it is a "may" rather than "shall." Senator Savickas.

SENATOR SAVICKAS:

Yes...but the last two sentences...or three sentences I think are the concern. It says, "Such delegation agreements shall require that work performed thereunder the accordance with agency criteria and subject to agency review and not to the home rule authority's ability to set their own criteria."

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, if you would read the first A through B sections, you will notice that in that Statute that all those are "shall." Those are duties already within the domain of the agency, so they are "shall." The Environmental Protection Agency has already preempted local governments in those areas, so that the Statute here is not preemptive in that it is...it is voluntary. Senator Schaffer. Senator Rock, did you wish to speak?

SENATOR ROCK:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in...in opposition to House Bill 1290.

What...what they are attempting to do it seems to me is...is we...we, the General Assembly, have vested certain authority in the Environmental Protection Agency and now they seek apparently the authority to subdelegate that to the units of local government. Now, that's fine, let's do that, but then let's abolish the EPA, what do we need the EPA for? I...I don't think this is a good idea, I urge a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

I rise in support of the bill and, Senator Rock, let me explain why Representative Klemm put the bill in. Not all of us live in central cities, some of us live downstate, some of us have pollution problems which fall under the purview of the EPA; and by the time we get the complaint, phone Chicago, in our case; get the EPA inspector out, maybe the next day or the day after that; and by the way, we really don't have that many inspectors, the ship has sailed or the polluted pollution has flowed downstream or something and we have just not been able to get the EPA regulations enforced. And we recognize that the State EPA's budget is tight and that the likelihood of us pumping enough money in to put enough inspectors in to patrol the vast reaches of this rather large State is somewhat limited. In answer to the earlier question, frankly, McHenry County is one that had...has talked to the EPA and is willing to, upon agreement, enter into enforcing some of their regulations for them to allow for a timely and orderly enforcement. Without it, an awful lot of people are going to get away with an awful lot of things, and they already have been. We have septic tank pumpers dumping stuff on roads, we've got guys coming in and out of the city with chemical pollutants dumping them in ditches that flow into streams and city waterways; and, frankly, by the time we get the EPA out there, we just can't enforce it. We don't...I

don't see the...even with the tax increase the money necessary to put the number of troops on. I think those units of local government that perceive the problem to the degree that we have in my local will be willing to pick up the responsibility and pay the tab for some extra employment and what have you. Those that don't want to do it, don't have to, it's purely optional. It solves a problem downstate; I can't see why anyone could be against it unless one was dumping septic tank pumping somewhere.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I'm sorry to rise a second time and I apologize to my colleagues, but I...I thought I made it clear. I have a great deal of respect for Representative Klemm and what...what this bill is about and I am reluctant almost to stand in support of your Governor's veto message. This proposal has been on his desk before and it was vetoed, and rightfully so, justifiably so, because the Constitution of Illinois and the Environmental Protection Agency Act clearly intend, as the Governor said, as I recall, that we have some kind of unified central system, and if the EPA can't do it, let's abolish the EPA. Tell Representative Klemm to put an amendment on the Senate Bill to abolish the EPA and I will stand in support thereof. But while we have the EPA and while they are vested with this kind of authority, they are not authorized by law to delegate the authority that we have delegated to them, because then you're going to have among the, what are there, twelve hundred villages of this State? Twelve hundred EPA's. It doesn't make any sense. The Governor rightfully vetoed it a year ago or two years ago. It deserves defeat right now and I urge a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge. Is there further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, thank you, Mr. President and members of the Senate. I rise in support of this legislation and contrary to what Senator Rock may have told you that's the exact idea of the bill, we ought to have twelve hundred cities or villages involved taking a look at what's happening in the local landfills. The problem is...they...people come back to their local government, to their county boards and...or to the cities and villages and attempt to get some relief and they...they are told, well, go down and see the EPA in Springfield, that's where your enforcing agency is at and obviously they make the calls down here and maybe six months later something gets done. That's the reason we want some local input and I see nothing wrong with local governing bodies enforcing EPA regulations.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, who best would know the conditions of their area than the people who are there at the local site and certainly this bill is a step in the right direction. We had the same thing happen in my community and we couldn't get anybody to come down from the EPA for about two months. So I certainly think it's a good bill, and I certainly urge your support of it if you want to do the job to help clean up pollution the way we should.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President, I'm surprised at President Rock. It just seems to me he supported an off-site dumping

amendment and...and tried to get that on and now we have...people it takes forever to get the EPA to come out and inspect a problem if you've got a garbage dump in your neighborhood. You know we don't all live in Chicago, some of us live where...where Chicago likes to bring its refuge and put it out in our...our communities. So it takes a long time to get people from the EPA, they tell us they need more money, they need more money or they can't come out. So this just puts someone in the local community where if you've got a problem and you see something going on at that landfill or that garbage dump, whatever it is, you can call somebody local and get them there in a hurry and they can have a little more influence with the EPA. And as a matter of fact, who do they call right now? They call us if there's a problem with a landfill in...in our communities. So I think this is a good bill. I'm surprised at President Rock not supporting this.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Rock.

SENATOR ROCK:

Well, thank you, Mr. President. On a point of personal privilege. I don't wish anybody to be surprised. For the reason that I'm not defending the EPA, I've already said at least twice, send me...send something over here or present something that abolishes the thing and I'll go with it. The fact of the matter is that under Illinois law and the Illinois Constitution, we're stuck with it until you do something and I don't think it's a good idea to set up twelve hundred municipalities as the sole arbiter of what in fact happens in this State, because you and I both know that there are some villages and towns that are frankly less responsible than our other villages and towns. In addition to that, we have a district, a sanitary district in Cook County that serves a hundred and sixty municipalities. This would virtually grind

that district to a halt because they'd be subject to the whim and the whimsey of one hundred and sixty individual communities and boards. I am not defending the Enviromental Protection Agency, nor will I, I just don't think this is a good idea.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, I...thank you, Mr. President. I would imagine that we have an EPA bill in committee. We could discharge committee and...and put an amendment on there, Senator Rock, if you want to do away with the EPA.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR SCHUNEMAN:

I think most of us are somewhere between the position of abolishing the EPA and giving complete authority to local units of government and I suspect that this bill may be somewhere between those two drastic positions. Tell me, if you will, precisely what authority the bill calls for giving to local units of government.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, very much for providing me the opportunity to...to speak to that issue, because I think that there is a great deal of misunderstanding...I...in...in that regard. This bill does not give the local units of government any authority whatsoever to establish any rules of...or regulations in regard to pollution control, not any at all.

Those...that authority will...will rest precisely where it rests now with the EPA and the Pollution Control Board.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...Senator Schuneman. Further questions? Senator Collins.

SENATOR COLLINS:

Question of the sponsor. Then what is the specific role or the impact of that role on getting the problem solved of the local governments?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

What the bill does, in effect, is to increase the number of inspectors who are on the scene and who can spot violations of the pollution control regulations and then can see that they are appropriately corrected, that...that's what it would do. It would make it possible for the EPA to contract with local units of government to enforce the rules and regulations established by the IEPA and the Pollution Control Board.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

So each, would...would it be necessary for the County of Cook to have a contract for all of the townships, or each of those townships would be able to contract on its own...on their own?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

The contracts would be either with...municipalities or counties.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Schuneman, you had another question, I cut you

off. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think it may have partially been answered but I...I am curious to know what authority the units of local government then have to issue citations and that sort of thing that normally is done by the EPA. Do...do they have some authority in that respect?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Etheredge.

SENATOR ETHEREDGE:

What it would...what it would do would be to...or the...the role of the local units of government would be an inspection in that...that portion of the...of the process.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Coffey.

SENATOR COFFEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Coffey.

SENATOR COFFEY:

Then if...if, after the inspection, then is that report given to the State EPA or where do we go from there?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Let me...let me just read the...read the bill itself. Said, "The agency may enter into a written delegation agreements within a unit of local government which...under which it may delegate all or portions of its inspection, investigating and enforcement functions." So all of those...those three functions are...are included, inspection, investigating and enforcement. "Such delegation agreements shall require that the work performed thereunder be in accordance with agency criteria and subject to agency review." That's the

bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coffey.

SENATOR COFFEY:

Then there would be some cost. If they would enter into that agreement with the municipality, there would probably be some additional cost because the enforcement could take extra staff at...at the municipal level?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

I think that would vary from situation to situation in all honesty. I think...I could visualize some instances where no additional staff would be required at all and others there may be. But I think the important thing in...is here is that if the local unit of government does not see any advantage in proceeding in this way, then...then they would not nor would the EPA.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Welch. May we have some order please. We're about to conclude the business. If we can maintain order, we'll be out of here momentarily. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to speak against this bill. I...I agree with Senator Rock, I think that what we're doing here is duplicating our effort. I think it's going to end up costing more money. I think that what we should have is a unified State-wide policy on how we should enforce environmental protection throughout the State of Illinois; that's what State government is for. If we have several municipalities and local units of government having their own little patchwork quilt of enforcement procedures, still subject to review though by the EPA, it seems

to me that we're getting into a very problematical area both with enforcement, duplication of effort and expanded cost. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Etheredge may close.

SENATOR ETHEREDGE:

Well, thank you, very much. I...I regret that there's been so much misunderstanding...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. If we can clear the aisles, take our conferences off the Floor, we will conclude our business in an orderly fashion. Senator Etheredge.

SENATOR ETHEREDGE:

...I regret that there's been so much misunderstanding about what is a very, very fine piece of legislation. There is nothing in this bill that is going to create a patchwork quilt. The rules and regulations for the control of pollution would continue to be set just as they are now. They would be uniform across the State of Illinois. What we are attempting to do is to put additional eyes and ears and arms, if you will, in...into the inspection and enforcement process, so that all of us can...can be protected from the hazards caused by pollution. I also want to...correct a statement which was made earlier on, which was that this bill had been...had been passed earlier by the General Assembly and vetoed by the Governor, that is not true. The earlier bill which had been vetoed was one that put the pollution control rule setting responsibility with the units of local government, that is a bad idea, that would produce the patchwork quilt, this bill doesn't do that at all. What it does is to put additional assistance at the...in the hands of the EPA and the Pollution Control Board. This is a...a valuable bill, I think it would help all of us to live in a safer environment, and I would encourage an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is on the passage of House Bill 1290. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 20, 2 voting Present. House Bill 1290 having received the required constitutional majority is declared passed. House Bill 1293, Senator Marovitz. Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1293.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 1293 provides that vehicles removed from public property by a commercial vehicle relocater or other towing service pursuant to the code shall be subject to a possessory lien. This is...this will provide a lien for police...police instigated towing. It's similar to that which the law already has for private towing. I know of no opposition to the bill, and I'd ask for a affirmative roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Darrow.

SENATOR DARROW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Darrow.

SENATOR DARROW:

In...in our analysis it indicates that you are removing a two hundred dollar cap from the lien. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

We are removing the two hundred dollar cap, that's correct, for services for...for labor, et cetera and for storage. Only for police instigated tows, this is not for private tows. This is not for private tows, this doesn't affect private tows at all. This is for police instigated tows off public property.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

In other words, if I were to come up to Chicago and park in a public parking lot, the police would tow my car and take it over to some private storage area, I would be subject to anywhere from two hundred on up to a thousand dollars in fees. Is that correct? Is that a possibility?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

That is not a possibility unless the car was left there for probably an eternity.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, would the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Savickas.

SENATOR SAVICKAS:

It's my understanding, Senator, that the police cannot authorize tows on private property, that the police will not write the tow case, that...and this is a fact, they will not write the tow case on private property. And if they don't write the tow case, the city tow truck would not tow it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

The Senator is one hundred percent correct. The police will not do that, that's why this doesn't apply to private property but only public property. This has nothing to do with private property at all. You are a hundred percent correct in your analysis, this only deals with public property.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Well, they can write the tow case and have it towed from public property without a problem now.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

In some cases they can where there are...police vehicles around, but on many highways where there are not police vehicles around, they use relocators and this just establishes the locators lien. If, indeed, they have their own vehicles then there's no problem and this would not apply to them.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

I would just ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1293 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 39, the Nays are 15, 2 voting Present. House Bill 1293 having received the required constitutional majority is declared passed. House Bill 1306, Senator Lemke. Read the

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bill, Mr. Secretary, please.

END OF REEL

REEL #6

SECRETARY:

House Bill 1306.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this bill is...a request by the township people. And exactly what it says, "to allow road districts to hire legal counsels." And the...right now, the township they use the township official and sometimes there's a conflict between the township officials and the road...and the road district officials, and this would eliminate any conflict of interest. I think it's a good bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Philip.

SENATOR PHILIP:

Yeah, I...I...am I understanding this correctly? You're going to allow township road commissions to...hire their own attorneys? It would be...you know, they...they have a township attorney as it is who gives them legal advice, now you're going to say, besides having a township attorney now we're going to have one for the road commission. Then we'll have the supervisor in and the supervisor will want...her or his legal counsel and we'll just keep going on and on and on. It would appear to be unnecessary.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

Senator Philip, this is in cases where there's a conflict, and it's requested by the...township...township

officials. Apparently, they...they must feel that they do not want...when there's a conflict with the road district and the township people, they do not want the township lawyer to be put in the position of a conflict of interest because that...that particular lawyer has to represent the township and not the road district, and that's what this bill does is to solve that problem that has occurred.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...Senator Philip.

SENATOR PHILIP:

Yes, I'd...I would be interested to know exactly what...what kind of a conflict are we talking about?

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Philip, was that a question or rhetorical? Senator Lemke.

SENATOR LEMKE:

When...this is where they're...when the case both involves the township and the road district, the same lawyer can't act for both clients because there's a conflict of interest.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip, had you...Senator Philip.

SENATOR PHILIP:

Are there any examples? I...I...I've never had that problem in my county in my thirty years in government. I can't remember any conflict between the township road commissioners and...and the board.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright...some of the members cannot hear the questions. So, if we can just...there's been a question. It's past six o'clock, we plan to handle to the bottom of page 17, then we'll stop. So, that's where we're going to end the day. Senator Schaffer.

SENATOR SCHAFFER:

Well, if I could, Senator Philip, let me give you an example. Let's say that a township decides to build a town hall building, and because the road commissioner is one of the officers they decide to use some road funds money that are available and then the rest from the other township funds, and it later develops that there's a dispute over exactly how much of the money should come from each funds, and the town board tells its lawyer to sue the road fund for "x" number of dollars. Then the road commissioner, if he wants legal counsel, has to go to the same lawyer that's suing him and ask him to defend him. And if I understand the bill correctly, the only time we're authorizing a road commissioner to have legal counsel is in those situations when that counsel...when he needs that counsel because the township's regular attorney is the one hassling him. Doesn't happen very often, but you know how government is, it isn't...it isn't always as agreeable and friendly as it always is here in other units.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

Okay, I...I don't really have a problem with the bill or with the concept. There's a technical problem that I can't get answered here, maybe you could answer it. Would this allow the road...the...the road commissioner to keep a law firm or a pal of his who happens to be an attorney on retainer year 'round using road fund money to do it? Then...this having available day to day would tend to mean that he could put the guy on retainer. In other words, even if he never had a case and in thirty years never had an argu-

ment, he could have a friend of his on retainer all thirty years full-time. Now, I'm just wondering...I have no objection to the guy if he's being sued hiring another individual, that's reasonable. But to simply have a guy on retainer year 'round, I would have to question.

PRESIDING OFFICER: (SENATOR BRUCE)

Further questions? Senator Lemke.

SENATOR LEMKE:

This is purely permissive. There's no mandate to hire a lawyer or anything else. It's just...in...this is a one-time deal where there conflict...I understand in looking at my notes, when there's a recovery of the debts how the money is going to be split up. When there's revenues, when there's fines and penalties and so forth, who gets what share of the funds, and sometimes there's a dispute as to how it's divided up, and this is the case where they're going to use it in, only when there's a conflict, that's my understanding.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright...Senator Keats.

SENATOR KEATS:

Could we have a little gavel, a little order? Okay, it...it's a...it's a technical point...I know what you're saying and I don't disagree with you, but if there's no limitation, you're going to have an awful lot of people suddenly...if we pass the road...road...road tax increase...gas tax increase and there may be some more money in some of these local government road districts, you might suddenly have, instead of that money going to road maintenance, them carefully hiring a...a year 'round full-time attorney advisor. When you got a problem, there's no reason that...that you shouldn't be able to hire an independent one. What I'm saying is, there's no limitation to keep them from hiring a guy year 'round twenty-four...you know, twelve months of the year when they may never have had a conflict in

the history of the township. I see what you're...I don't argue with the bill, I just say there's a technical flaw that's going to cost the Road Fund and us a lot of money if we don't correct it, 'cause somebody is going to be smart enough to pick up on that and start putting their pals on year 'round retainer.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Jerome Joyce. Senator Lemke.

SENATOR LEMKE:

...some of your fair, Senator Keats. I got a letter from the township officials opposing the road tax...tax increase. So, I assume they're not getting money from the State.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, I was just wondering, Senator, if you'd respond. Who...did any road commissioners come to you? Is this an outcry coming from road commissioners?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

This...this bill did not come from road commissioners, this came from the townships people.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. I think a question is in order of Senator Keats, but perhaps I could ask it through Senator Keats to Senator Philip. If I may ask a question of Senator Philip through Senator Keats, how much did you spend on Rock versus Thompson? How much in legal fees?

PRESIDING OFFICER: (SENATOR BRUCE)

I'm sure that question was rhetorical, Senator

Egan...so,...Senator...Senator Schuneman. Senator Schuneman.

SENATOR SCHUNEMAN:

Mr. President, we...we all know that Rock versus Thompson was in one league. This is a different league. Most of the townships in Illinois are very small governmental units. We've got an authoritative board to run those townships, let's not screw it all up by giving everybody the right to go out and hire a lawyer to create adversarial conditions. This is a bad bill, we don't need this, nobody really wants it, let's vote it down.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, I...whatever you want to do, but the bill is only a two-line bill, and I think the lawyer could do anything he wants to. The township road commissioner could hire him for any purpose...at whatever time for whatever fee. Just a two-line bill, "Have authority to hire legal counsel to perform...legal functions for the road district." It isn't when there's just a conflict, Senator Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Senator Lemke may close.

SENATOR LEMKE:

I...I think that if we...I will take this bill out of the record and we will make an amendment to specifically require what you want and...so they can't do this all the time or retain a firm. And we can...okay?

PRESIDING OFFICER: (SENATOR BRUCE)

Take it out of the record. Leave is granted. Take it out of the record. Alright, we'll get to the bottom of page 17 and we'll stop. 1311, Senator Jeremiah Joyce. Senator, do you wish to call it today? Read the bill, Mr. Secretary, please.

SECRETARY:

House Bill 1311.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. This bill would provide for an increase in the DCFS reimbursement to counties for the care and shelter of minors placed by the court. It would make that increase similar to the reimbursement for services provided to the other...clients of the department. Came out of committee on an 8 to 0 vote. Has the support of the Illinois Catholic Conference and the Child Care Association of Illinois. I ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you. I rise in support. I understand there's virtually unanimous support. We are being purists in finishing off the page. If you turn the page, Representative...McPike and I have a bill, but we'll stop there. I'll be here in the morning as I always am at ten o'clock. In the meantime, let me point out that I've asked the Pages to distribute a fact sheet of House Bill 606 as amended. You have all received, I hope, the enrolled and engrossed copy, it's eighty-two pages long. It makes swell Friday night reading. In addition to that, we will have the fact sheet for you, so I urge a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Further discussion? The question is, shall House Bill...Senator Philip, on 1311? Yeah, we're still on 1311. Senator Philip.

SENATOR PHILIP:

Yes, thank you, Mr. President and Ladies and Gentlemen of

the Senate. This will be an added appropriation of 4.9 million. I wonder if Senator Joyce is prepared to vote for a tax increase to fund it? We...we have been keeping track of what we've done this week. We're about forty-seven million dollars extra tax giveaways and it's getting bigger and bigger and bigger, but I'll bet when it comes down to pay for that 4.9 million that Senator Joyce is probably going to vote No on this tax increase. And I suggest we...we vote No on it right now.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Senator Rock.

SENATOR ROCK:

Well, that...that's why...one of the reasons I stood up in support thereof. Everybody knows where I'm going to be. Let's vote Aye.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce, did you wish to respond?

SENATOR JEREMIAH JOYCE:

Well, I'll vote for 4.9 million for this.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I just want to inform the Body that the electricity is not working in the press box. If we're going to do it, we ought to do it right now.

PRESIDING OFFICER: (SENATOR BRUCE)

I'm also informed that the power is off in the House. So,...not too much applause now. Senator Schaffer.

SENATOR SCHAFFER:

Well, at the risk of conflicting with staff analysis on this side, which is usually inspired divinely, I would respectfully point out that sometimes 'taint necessarily so, Senator Philip, because, frankly, if you think about it, what

we're talking about is taking kids that would normally be one hundred percent funded by the State and placing them through a local unit of government and sharing the cost. You're right, it does take four million dollars out of the pockets of those bureaucrats in DCFS, but it doesn't mean that the taxpayers of the State overall will spend more. In fact, it probably means less kids that the State has to pick up the tab for totally. Which means, if you want to look at it that way, we probably save some money because we get...State...local governments and charitable organizations to pick up part of the tab. There are some parts of the State that don't like to give all of their kids to the tender mercies of DCFS. Some of us like to see them placed through our local probation and juvenile court systems, which in some areas do a pretty good job, including, by the way, DuPage County.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce may close.

SENATOR JEREMIAH JOYCE:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill 1311 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 4, none voting Present. House Bill 1311 having received the required constitutional majority is declared passed. We have a few bookkeeping matters to take care of. Is there leave to go to the Order of Resolutions? Leave is granted. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 275 offered by Senator Davidson and all Senators, and it's congratulatory.

Senate Resolution 276, by Senator Macdonald, and it's

congratulatory.

Senator Resolution 277, Senator Dawson, and it's congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions Consent Calendar. Message from the House...Message from the Governor.

SECRETARY:

A Message from the Governor by John Washburn, Director of Legislative Affairs.

Mr. President - The Governor directs me to lay before the Senate the following message:

To the Honorable members of the Senate, the 83rd General Assembly, I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments by your Honorable Body.

PRESIDING OFFICER: (SENATOR BRUCE)

Executive Appointments Committee. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, form of announcement. All of you in the years past have talked about the Illinois Arts Council and the idea was that we would put a little seed money in so that...see what a local community could do. I invite each and every one of you, you have a golden opportunity to see what a little seed money will do for you. Going on over right across the street in the Illinois State Armory is in progress the making of a backdrop for the Springfield Ballet Company that I invite all of you to go over and see an artist who we brought in for a very small fee, put together with a lot of volunteers, that we're going to have a five thousand plus dollar drop for about a thousand dollars, and I invite all of you to go over and see this in action and get some appreciation what talent can make beauty out of a thirty by sixty foot piece of white canvas.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President. I was wondering if the Chair can inform the membership in regards to the Agreed Bill List, when the Secretary is going to take objections to those bills and when we're, in fact, going to vote on the Agreed List.

PRESIDING OFFICER: (SENATOR BRUCE)

We will take objections...right. If you have four Senators that wish to knockoff a bill, we will accept those, and we are going to take the negative votes that you wish to cast until eleven Saturday? Till eleven o'clock on Saturday if you have a vote other than being voted Aye. Senator Zito.

SENATOR ZITO:

I thought it might be useful for the membership to know that, I was not informed.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. It's...it...it is on the cover sheet of the Agreed Bill List. It's not really clear but if you'll read...read it, it'll...it shows the one guideline. We need to maybe highlight that next time. Further business to come before the Senate? Further announcements? Senator Zito moves that the Senate stands adjourned until the hour of ten o'clock tomorrow. On the motion to adjourn, those in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands adjourned until 10 a.m. tomorrow.