

84TH GENERAL ASSEMBLY

REGULAR SESSION

MAY 23, 1985

PRESIDENT:

The hour of nine having come and gone, the Senate will come to order. Will the members be at their desks. Will our guests in the gallery please rise. Prayer this morning by the Reverend Paul Flesner, Grace Lutheran Church, Springfield. Reverend.

REVEREND FLESNER:

(Prayer given by Reverend Flesner)

PRESIDENT:

Thank you, Reverend. Reading of the Journal. Senator Nedza.

SENATOR NEDZA:

Mr. President, I move that reading and approval of the Journals of Tuesday, May 14th; Wednesday, May 15th; Thursday, May 16th; Friday, May 17th; Monday, May 20th; Tuesday, May 21st and Wednesday, May 22nd, in the year 1985, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Nedza. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. It is so ordered. Committee reports.

SECRETARY:

Senator Savickas, chairman of the Committee on Assignment of Bills, assigns the following House bills to committee:

Elementary and Secondary Education - 605, 990, 992; Executive - 319, 608; Executive Appointments, Veterans' Affairs and Administration - 921; Insurance, Pensions and Licensed Activities - 881, 963; Judiciary I - 312, 324, 343, 381, 393, 479, 508, 563, 851, 856, 857, 1018, 1035, 1042, 1067, 1267, 1269, 1355, 1392, 1565, 1938 and 2431; Judiciary II - 82, 354, 360 and 1016; Local Government - 521, 539, 909, 1587; Public Health, Welfare and Corrections - 895, 943 and 1703; Revenue - 571, 833, 900 and 1008; Transportation - 170,

1013 and 1314.

PRESIDENT:

Message from the House.

SECRETARY:

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

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

House Bills 207, 300, 513, 575, 592, 703, 740, 751, 760, 761, 787, 800, 816, 867, 907, 1010, 1038, 1039, 1044, 1072, 1086, 1117, 1165, 1166, 1206, 1232, 1246, 1252, 1289, 1317, 1373, 1413, 1440, 1455, 1458, 1467, 1491, 1493, 1496, 1500, 1523, 1535, 1545, 1548, 1555, 1714, 1951, 1952, 1977, 2002, 2003, 2036, 2062, 2115, 2158, 2160, 2165, 2167, 2182, 2188, 2219, 2226, 2232, 2275, 2311 and 2352.

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

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

House Joint Resolution 54, it's commendatory.

PRESIDENT:

Consent Calendar. All right, with leave of the Body, we'll move to page 27 on the Calendar, on the Order of House Bills 1st Reading. House bills 1st reading, Mr. Secretary.

SECRETARY:

House Bill 18, Senator Welch is the Senate sponsor.

(Secretary reads title of bill)

House Bill 62, Senator Berman.

(Secretary reads title of bill)

House Bill 90, Senators Rock and Maitland.

(Secretary reads title of bill)

House Bill 123, Senator Dawson.

(Secretary reads title of bill)

House Bill 153, Senator Friedland.

(Secretary reads title of bill)

House Bill 198, Senator O'Daniel.

(Secretary reads title of bill)

House Bill 291, Senator Lemke.

(Secretary reads title of bill)

House Bill 320, Senator Savickas.

(Secretary reads title of bill)

House Bill 348, Senator Kustra.

(Secretary reads title of bill)

House Bill 409, Senators Barkhausen and Geo-Karis.

(Secretary reads title of bill)

House Bill 459, Senator Lemke.

(Secretary reads title of bill)

House Bill 514, Senator Kustra.

(Secretary reads title of bill)

House Bill 582, Senator Coffey.

(Secretary reads title of bill)

House Bill 593, Senators Medza and Degnan.

(Secretary reads title of bill)

House Bill 598, Senator Bloom.

(Secretary reads title of bill)

House Bill 682, Senators Berman and Rupp.

(Secretary reads title of bill)

House Bill 724, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 811, ...Senator Luft.

(Secretary reads title of bill)

House Bill 815, Senator Carroll.

(Secretary reads title of bill)

House Bill 861, Senator DeAngelis and Jones.

(Secretary reads title of bill)

House Bill 932, Senator Degnan.

(Secretary reads title of bill)

House Bill 935, Senator Fawell.

(Secretary reads title of bill)

House Bill 975, Senator Lenke.

(Secretary reads title of bill)

House Bill 1037, Senators Maitland and Berman.

(Secretary reads title of bill)

House Bill 1059, Senator Bloom.

(Secretary reads title of bill)

House Bill 1159, Senator Jerome Joyce.

(Secretary reads title of bill)

House Bill 1216, Senators Degnan and Jones.

(Secretary reads title of bill)

House Bill 1217...House Bill 1217...Senators Degnan and Jones.

(Secretary reads title of bill)

House Bill 1218, Senators Degnan and Jones.

(Secretary reads title of bill)

House Bill 1528, Senator Berman.

(Secretary reads title of bill)

House Bill 1847, Senator Luft.

(Secretary reads title of bill)

House Bill 2364, Senators Berman and D'Arco.

(Secretary reads title of bill)

House Bill 2387, Senator Berman.

(Secretary reads title of bill)

1st reading of the foregone bills.

PRESIDENT:

If I can have the attention of the membership, on the recall list there has been one change. We will have Senate Bill 191, Senate Bill 1160 sponsored by Senator Welch, Senate Bill 1414 and Senate Bill 1422. With leave of the Body, we'll move to page 5 on the Calendar. On the Order of Senate Bills 3rd Reading, middle of the page, is Senate Bill 191.

Senator Netsch 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 Senate Bills 2nd Reading, Senate Bill 191, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Netsch.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. To a very considerable extent this was Senator Newhouse's suggestion. This is the deal...the bill that deals with school principals being in charge of the school, as an amendment to the Chicago School Code. The last sentence dealt with evaluation and it was suggested that probably it was not appropriate to have evaluations done only by the school principal of the operating engineers and others who are in mechanical...charge of the...that part of the school. And so some suggested to Senator Newhouse that...that that part ought to be eliminated. I think by the elimination of that language which was not in the Statute before, that it leaves the Chicago School Board with discretion about how to set that up. It...the...the bill retains the feature, however, that it is the principal who is in charge of the school, all parts of the school. I would move the adoption of Amendment No. 1.

PRESIDENT:

All right. Senator Netsch has moved the adoption of Amendment No. 1 to Senate Bill 191. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Welch. If you'll turn to page 22 on the Calendar, page 22, the middle of the page, is Senate bill...on 3rd reading, Senate Bill 1160. Senator Welch 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 Senate Bills 2nd Reading, Senate Bill 1160, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. First of all, I would move to Table Amendment No. 1 because Amendment No. 1 is included in the amendment now designated Amendment No. 2. So I'd move to lay that amendment on the Table.

PRESIDENT:

All right. Senator Welch, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 1 to Senate Bill 1160 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Senator Welch moves to Table Amendment No. 1 to Senate Bill 1160. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This amendment is one that I spoke about on the Floor yesterday that addresses the concerns of both Senators Dunn and Senator Watson. What the

amendment says is that no person shall sell or distribute or offer to sell or distribute any milk or milk product for human use or consumption unless the package in which the milk or milk product is contained is clearly marked to indicate the date until which the milk or milk product will remain suitable for human consumption. And the other change was the one that was put on yesterday and just taken off changing the number of days from ten to fourteen that the product could be on the shelf. And I would move for the adoption of amendment.

PRESIDENT:

Senator Welch has moved the adoption of Amendment No. 2 to Senate Bill 1160. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Kustra, on 1414. On the Order of Senate Bills 3rd Reading, middle of page 26, is Senate Bill 1414. Senator Kustra 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 Senate Bills 2nd Reading, Senate Bill 1414, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Darrow.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Amendment No. 1 corrects technical errors, transfers two additional sites to the agency with Conservation's agreement and empowers the agency to work with appropriate culture organizations to advance its goals. I'd ask for the adoption of the amendment.

PRESIDENT:

Senator Darrow has moved the adoption of Amendment No. 2 to Senate Bill 1414. Is there any discussion? Senator DeAngelis. If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Marovitz on 1422. On page 26 on the Calendar on the Order of Senate Bills 3rd Reading is Senate Bill 1422. Senator Marovitz 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 Senate Bills 2nd Reading, Senate Bill 1422, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 1 to Senate Bill 22 corrects a problem that was brought to my attention regarding notice of...of tenants who did not know that they would be liable for other...utility service other than their own in a large building and this takes care of that problem. It was drawn up by those parties who felt that there was a problem, and I would ask for the adoption of Amendment No. 1.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 1422. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. We have one additional entry for the recall list and that is an amendment just placed with the Secretary on Senate Bill 14. You turn to page 3, page 3 on the Calendar. On the Order of Senate Bills 3rd Reading, Senator D'Arco has Senate Bill 14. The gentleman seeks leave 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 Senate Bills 2nd Reading, Senate Bill 14, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator D'Arco.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Amendment No. 1 defines through the legal description the property that is to be conveyed from the City of Chicago to the Chicago Park District concerning the straightening out of the S curve on Lake Shore Drive. The original bill contained...portions of the property that were to be conveyed and this amendment adds the additional property that is per the agreement signed by both of these entities. And I would ask to adopt Amendment No. 1.

PRESIDENT:

Senator D'Arco has moved the adoption of Amendment No. 1 to Senate Bill 14. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. All right. If you'll turn to page 10 on

SB 486
2nd Reading

the Calendar...I would ask the ladies and gentlemen only to look at the back page, we have three hundred and forty-five bills. And we have today and tomorrow and Saturday and Sunday and Monday. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Point of personal privilege, Mr. President.

PRESIDENT:

State your point, sir.

SENATOR DeANGELIS:

Today we are celebrating the birthday of one of our senior colleagues, Senator Weaver. And he has asked me to tell the Body that he will not accept gifts, does not want anybody singing Happy Birthday but would urge your support for Senate Bill 293.

PRESIDENT:

Today, for those who don't know, is Stanley Weaver Tag Day. Senator Nedza is the chairman of that effort so I would encourage you all to visit with Senator Nedza. He will have the appropriate poppies or whatever he is going to pass out. All right, we're going to move to the order of...with leave of the Body, the Order of Senate Bills 3rd Reading. We will begin where we left off and we will move, I hope. Bottom of page 10, on the Order of Senate Bills 3rd Reading is Senate Bill 486. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill...486.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. 486 is...is a response to the Public Utility Regulatory Committee concerning low energy

assistance for poverty level income families. What it does basically is put into law a...a proposed rule that is presently pending before the Illinois Commerce Commission, and the rule basically says that a person in this category can enter into a low income payment plan with the public utility that provides the energy to that particular household. It also says that I heap money that is presently administered and distributed by the Illinois Department of Public Aid would be transferred to DCCA and that money would be redistributed in the form of grants to these recipients who do qualify under this low income payment plan. This is an idea that has been floating around the Commerce Commission now and what we want to do is statutorily provide that this low income plan be implemented so that there is no shut-offs of utility services for people not only in the wintertime but for the entire year. And I would ask for...for a favorable vote on Senate Bill 486.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Will the...sponsor yield for a...question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

You know, I...your...your idea is really laudable, but who in the world is going to pay for this? If...if everybody gets...I mean, if a certain group of people get free heating service, who's going to have to pay for it in the long-run?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, Senator Fawell, they're not getting free heating service. I mean, understand that...that these people are

paying twelve percent...they are paying twelve percent of their utility bill for a six-month period and then the greater of twelve percent or the entire bill plus one-fifth of the deposit for the other six-month period of the year. They are not getting free...free cost for energy service. What the bill says is that these people are incurring bad debts to the utilities now and we want to try to eliminate some of that bad debt. Plus the fact that what we're going to do is take money from the Federal Government, we're going to get more money from the Federal Government to help provide whatever the credit is for providing the services to the utilities. So, hopefully, whatever bad debt is incurred will be made up by the Federal matching funds that we will receive.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Well, number one,...I mean, the Federal Government gets the money from us anyway. I mean, you know, it's...it's...granted, they may print more than they get but nevertheless eventually they're going to get it from us. So, I...you know, it's still...you can't talk like Federal Government is coming out of nowhere. We are paying the Federal Government now and...and, frankly, what I've been told is we get back about twenty-five cents for every dollar we throw into the Federal Government, so it's going to cost us more. I mean, somebody has got to pay for this program. You know, I...I...I...I would love to get free or...or just pay one-twelfth of my salary for my heating bill and my gas bill but, unfortunately, I can't get away with it. And...and I...I just don't understand how...how, excuse me...how in the world you think this is going to work without somebody having to pay the final bill and I have a very strong feeling the ones that are going to end up paying for it...and I wish that

the Senators on my side of the aisle would listen to this because I think we're the ones that are eventually going to end up paying for it. And I think this could be an extremely expensive bill and I would suggest that some of our Senators take a very strong look at this bill, particularly...some of our...our leadership and...and get up and talk about it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Fawell, I'm appalled to hear you say that you don't want people to have heat in winter and fuel. It's a...may I have a little order, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall requests a little order. Let's break up the conferences, Senator Demuzio, Senator Welch, Senator Marovitz.

SENATOR HALL:

You know it's an amazing thing that anytime on this Floor that something comes up that's going to help people that you always hear the hue and cry, who's going to pay for it. Well, you should pay for it. The...people who make more should pay more. Now don't come with that stuff telling me about that. How would you like to wake up in a house with no heat, children without any food? It's appalling to think that you...here, you can stand around here and cry these crocodile tears, sleep in red, white and blue pajamas and salute the flag every night and then turn around and say, who's going to pay for it. It's a shame, before God, that we act like this. This is a good bill and people should be given it. If you make more money, you ought to pay more money.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SCHUNEMAN:

Kind of hate...kind of hate to follow that, Mr. President. Got a couple of questions of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield. Could we break up those conferences. Senator Demuzio, Senator Watson, Senator Jones. Well, just remember, we can be here Saturday and Sunday.

SENATOR SCHUNEMAN:

Thank...thank you, Mr. President. When this bill was heard in committee one of the provisions in the bill was that during the summer months the ratepayer would have to make up twelve percent per month of the deficit, that is the amount that was owed to the utility company. Now you've changed that provision by your amendment and now they only have to pay twelve percent of their deposit. And it seems to me that they may never catch up under that provision. Why did you make that change in the bill, Senator?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

No, wait a minute. What it...what it says is that they will pay twelve percent of their monthly household income to the public utility, that's for the period between December 1st through April 30th. Now for the period from May 1st through November 30th, they will pay the greater, the greater, of twelve percent of his monthly income or the current bill plus one-fifth of any outstanding deposit.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

That...that's correct. My question went to...not percentage, but to the question of why you changed the bill from paying one-fifth of the outstanding deficit to one-fifth of

the outstanding deposit, that's a big...there's a big difference there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

...it's the average utility bill is...for low income people is thirty-two dollars a month. So the one-fifth of the deposit is a more realistic figure than one-fifth of the deficit that might be incurred in the arrearages that have already been created. In other words, the plan is such that even if there are arrearages that will not be put against this person so his utility service wouldn't be shut off.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Another question, Mr. President. What do you think this is going to cost the utility companies in Illinois?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, it shouldn't cost anything. If we get the Federal matching money, we should get enough money, approximately thirty-four million dollars. Now those are the estimates of bad debt that would be incurred if this bill becomes law. The fact is, as...as I read it...many of these households are shut off anyway during a great part of the year. So the estimates of how much it will...would cost are very debatable.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I simply want to point out to the membership that there are some...discrepanices and some inconsistencies in...in the arguments that are being made on

the parties on both sides of this issue. But first of all, the estimates of how much this will cost apparently varies some...from somewhere around twenty-nine million dollars a year to about a hundred and thirteen million dollars a year. Now, we got those figures from hearings that were conducted by Illinois Commerce Commission on this same issue. So the twenty-nine million dollars or thirty-four million dollars is apparently at the low end of the estimate of what this plan will cost. The other thing I think we should point out is that...by changing the bill after it got out of committee, the sponsor has significantly changed what this bill is going to cost other ratepayers. The way the bill reads now, a ratepayer who is behind on his bill would be required to pay no more than twenty percent per month of whatever his deposit was. Now his...his deficiency to the utility company might run much more than his deposit. I know I have had people contact my office who are behind in their utility bills in amounts like a thousand dollars and certainly their deposit is nowhere near that. So, it seems to me that under this plan a person who is behind in their utility bill might never catch up. So we ought to know these things before we vote on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As a hyphenated cosponsor, obviously, I rise in support of the bill. And I...I really just want to point out how it fits in to the general scheme of what we are doing right now. There is pending a plan that is very much like this that the Commerce Commission itself is generally supportive of. There is some question in their mind, and I...I'm not sure in the minds of others but in their mind at least, as to whether or not the existing law provides sufficient statutory authority for them to adopt

this kind of a, if you want to call it, low income budget plan program. This bill would confirm the commission's power to do what it really intends to do and to some extent has already done. So there is nothing radical or out of the ordinary stream about what is being proposed here. The Joint Committee on Public Utility Regulation proposed...it did not deal with the question of low income...assistance at all because to be honest there was no concensus. What we did propose was that there be a task force which addressed it on a longer term basis. I think this bill is not in any way inconsistent with that because it...this bill deals with the existing law and says, yes, the commission may proceed to do that which it wants to do but has some doubt about the authority to do. So I think these things work quite consistently together and this takes care of a period of time that is really quite critical and that is now. So, it seems to me that Senate Bill 486 should be passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and to members of the Senate. I stand in support of this legislation because we're living in very strange times today, and we who come here to Springfield to make the laws cannot be insensitive to our constituents. There are people who are here on day before yesterday when we were...they were lobbying here for utilities and they had in their hands their utility bills. One lady had one for eight hundred and some dollars, one had one for fifteen hundred dollars, one had one for twenty-three hundred dollars and she and her son only receive three hundred and forty-one dollars a month. I come this morning because seemingly our friends on the other side of the aisle seem to be quite insensitive that there's a world out there. We are comfortable, you come from communities that are comfortable. But I

want you to know that there are people right this morning who are cold in their homes because it's always colder in the house than it is outside and they need some consideration. I think, excuse the...using the vernacular of the street, it would be a damnable thing if we here in this Legislative Body this morning do not consider our lesser sisters and brothers here in the State of Illinois who cannot come into these Chambers and speak for themselves but of merely depending upon we who are here in this Legislative Body. I'm asking you, I'm appealing to you that you would make this world or this city or this State, should I say, a much better place if you would just vote for this bill and say to these people who cannot help themselves that maybe you don't have what you would like to give them but at least you show your concern for them. This is a good bill. Help those who cannot help themselves. They are citizens of this State. They are citizens who are desirous to do better but because of the government that we are living under, because of the situation that we're living under, at present, they cannot help themselves. And so I appeal to you this morning, help those who cannot help themselves.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio. All right. A motion by Senator Demuzio to move the previous question. If you would hold that, we do have at this time Senator Lemke, Senator Marovitz, Senator Etheredge and Senator Weaver. So leave granted on the...on the previous question? The Secretary has calculated that the rate we are started on our first bill, we will be here till Tuesday afternoon. Senator Lemke.

SENATOR LEMKE:

Just a question of the sponsor. In the case...

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates...Senator D'Arco. Senator Lemke.

SENATOR LEMKE:

...in the case where this user owns a building, does the utility company get a lien against that property?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Does the utility company get a lien against the property?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

My...my understanding was they're not going to shut off the utilities on this piece of property 'cause people are cold and they can't pay their bills, but in some...situations these people own property. And I think that if we're going to let...there's an incidence where utilities haven't been shut off on apartment buildings which are supposed to be paid by the apartment owner, where the bills go up to fifty-eight thousand dollars and the apartment owner simply sells...just makes an exchange, he sells from one trust to another trust and he waives the utility bill and the fifty-eight thousand dollar bill was lost and we utility owners ended up paying that money. I...I see nothing wrong with helping people but...when they're in financial straits, but I don't think if they own property...and...and they're unable to pay their utility bills, then we should do something to protect the utility company from losing the money and...and let this guy sell the building and...and he walks free, there's no lien against the property. I mean, it's ridiculous. I mean,...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

If the...if...if he's a low income...family, how would he own a building? I mean, you know, he's not going to own a building if he's only making ten thousand dollars a year for a family of four. I mean, where's...you know, where's he

coming from?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

John, I have people in my district that make ten thousand dollars a year and buy apartment buildings. Okay? They come and work and they save and they scratch and they skimp and they end up owning apartment buildings. They can live on less money than we pay public aid recipients and they survive and they become...their kids become educated and everything else. So there are situations where a guy makes an income of less than ten thousand but still owns a piece of real estate, tax free, mortgage free and everything else.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator D'Arco.

SENATOR D'ARCO:

Listen, I'll amend it in the House...so the utility has a lien against the landlord if he doesn't pay his utility bill. How's that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

A...just very briefly, Mr. President. We're going to see a...a number of bills today and tomorrow that have to do with utility rates and the utility companies, and people are going to have to make choices between the utility companies and the consumers and the people who send us here. There's going to be a tremendous increase in rates...in utility rates across the State of Illinois within the next twelve months. I think we all know that and we all know why it's going to happen. The necessity for this bill is going to increase two-,threefold over the next twelve months. I think a vote on this bill as well as a major bill that's coming up later today is going to tell us where our priorities are. And if

you're priorities are with big business and with the utility companies, that's one thing and you'll vote red on this bill and you'll vote red on 1021. And if you're priorities are with the consumers and with the people that send us here, then you'll vote green on this and show where your priorities are.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge. Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. A question of the sponsors.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WEAVER:

Aren't there provisions in 1021 that would allow the Commerce Commission to address these...these problems? Senator D'Arco or Senator Netsch as cosponsors.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, yeah, the...the...there's a...a sort of a mandate in...in 1021 that advises the Commerce Commission to look into the whole area of energy assistance for low income families. As Senator Netsch indicated, there is a proposed rule before the Commerce Commission now that would implement this particular twelve percent payment plan that is in this legislation before the Body today. What the effect of that is is still undetermined, and I think...by this legislation we are sending a message to the Commerce Commission that it is the will of the Body that we implement some form of energy assistance for people who can't afford the necessary energies to sustain themselves. And I think that's what we're trying to say as a public policy of the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. It would appear to me that we're sending that same message in 1021 and this legislation is not necessary. There may be a better way, and through the years the Commerce Commission can work on this and figure out the better way.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

No, I think...well, it was a statement, I don't think it was a question. I think we disagree on that and I definitely think that we should implement the plan in this Session of the General Assembly and not wait for any future plans that may be devised eventually...to...in order...to the benefit of these low income people. We could argue about the necessity of this but I think Senator Hall...Senator Hall's comments illustrated the necessity of this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I was just trying to respond to Senator Weaver's question. There is nothing which specifically addresses how low...how people who cannot afford their utility bills should be handled in the future under the long-range rewrite of the Public Utility Law, as I indicated, because there was no consensus. There are some differences of opinion for a long-term commitment as to how it should be done. So that there is a recommendation, as I recall, for a task force of the commission that would continue to look into that. This is designed really for the here and now. The commission has pending a proposal, a question has been raised as to whether or not the existing utility law, which will continue until January 1 of next year at the least, author-

izes what they are proposing to do. This would tide them over, if you will, until they can address whether it is over a long period of time the best way to approach this problem, which everyone concedes is a problem, by the way.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator D'Arco may close.

SENATOR D'ARCO:

Thank you, Mr. President. Let me indicate first of all that what the bill does say, Senator Schuneman, is that the...recipient must pay...must pay twelve percent of his monthly household income to the public utility during the months of December 1st through April 30th, and he must also pay twelve percent of his monthly income or the current bill plus one-fifth of...of...of any outstanding deposit during the months of May 1 through November 3rd, whichever is greater. So it isn't simply paying one-fifth of an outstanding deposit, it's paying the current bill or one-fifth of...any outstanding deposit or twelve percent whichever is greater. So I think that we should understand that this is the low income payment plan. These are people who aren't paying their utility bills. These are people whose utility service is being shut off now. We're trying to say to these people who aren't paying their utility bills, come forward and go on this income utility plan, pay twelve percent of the bill and we won't shut you off. All the bad debt that you're incurring now, part of it at least will be eliminated. And what we're saying to those people is, if...we'll get even more Federal matching funds and those funds will be distributed directly to the utilities as a credit against any outstanding balance of their utility bill. So the utilities are going to incur less bad debt from these customers. Ladies and gentlemen, this is a way that everybody is going to benefit from. The utilities are going to get credit against the

bills that are not being paid, the customers aren't going to get their services shut off, and we're doing what is right by these people to keep that utility service on when these people need it the most. This is a good bill, it should be the policy of the State of Illinois to help low income people when the basic necessities of life are at...at stake, and there's no question that if you can't warm your body and you can't put on a light in order to see, my God, what can you do? Vote for this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 486 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 30, the Nays are 26, 1 voting Present. Senate Bill 486 having received the constitutional majority is declared passed. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Sorry to start out this way, Mr. President, but would request a verification of the affirmative roll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Verification of the affirmative roll has been requested. Will all the Senators please be in their seats. Will the Secretary please call the affirmative roll.

SECRETARY:

The following voted in the affirmative: Berman, Carroll, Chew, Collins, D'Arco, Darrow, Dawson, Degnan, Demuzio, Hall, Holmberg, Jones, Jerome Joyce, Kelly, Lechowicz, Lemke, Luft, Marovitz, Nedza, Netsch, Newhouse, O'Daniel, Poshard, Sangmeister, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, do you question any of the affirmative vote?

SENATOR SCHUNEMAN:

Senator Dawson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Dawson on the Floor? Senator Dawson. Strike his name from the record.

SENATOR SCHUNEMAN:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Lechowicz on the Floor? He's standing in...the back.

SENATOR SCHUNEMAN:

Senator Berman.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman. Is Senator Berman on the Floor? Senator Berman. Senator Berman on the Floor? Right. Berman and Dawson are on the Floor.

SENATOR SCHUNEMAN:

That's all, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Restore Senator Dawson. Mr. Secretary. On a verified roll call the Ayes are 30, the Nays are 26, 1 voting Present. Senate Bill 486 having received the constitutional majority is declared passed. Senate Bill 489, Senator Netsch. Read the bill, Mr. Secretary. For what purpose does Senator D'Arco rise?

SENATOR D'ARCO:

Would you put Senator Smith as a hyphenated cosponsor of 496?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco asks leave of the Body to have Senator Smith added as a hyphenated cosponsor to 486. Is leave granted? Leave is granted. On 489, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 489.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 489 was suggested to Senator Etheredge and me on the Revenue Committee by JCAR. It is intended simply to clarify the definition of what constitutes substantial rehabilitation for purposes of the tax break that is given to historic buildings. I gather that it was not clear that it could include both exterior and interior work and the bill does...simply makes it clear, that it can cover either one. JCAR recommended this, we understand that Conservation may want to do a little tinkering with it over in the other House, but we don't have that available to us at the moment. In the meantime, we would recommend support of Senate Bill 489.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 489 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 59, the Nays are none, none voting Present. Senate Bill 489 having received the constitutional majority is declared passed. Senate Bill 494, Senator Collins. Senate Bill 500, Senator Lemke. Read the bill, Mr. Senator.

SECRETARY:

Senate Bill 500.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is decentralize the Chicago...school system into twenty districts and each district has elected representatives rather than their appointed...school system. In Illinois we have a thousand and four school boards but only two are appointed, Chicago and the elementary school district of Lake...Lake Forrest. I think that the biggest school district in the City of Chicago...is the City of Chicago and I believe the people should have a say as to what the education programs are there. And I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 500 pass. Those in favor will vote...vote Aye. Those opposed vote Nay. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Well, I wouldn't like there to be a vote taken without some opposition expressed to an elected school board. We do have a school board that's appointed already and it's in place, I think it deserves an opportunity to do its job. It has been hamstrung in the past because there has been political intervention within that...that...that board. We think that that is not the case in the present circumstance and think the mayor ought to be permitted to appoint the board that he wants. He is the chief executive of the city and...he is responsible for what happens with that board and with the system of education in the City of Chicago. For those reasons, I think it's...this bill is not a good bill, not a good idea. It's not an idea whose time has come and I would oppose it, and I would...would...would...would urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Jones. State your

point. Senator Lemke, we didn't...Senator Lemke, you did not close, you presented your case, there was no one that sought recognition at the time. And as we were ready to call, there was those that sought recognition. You are accorded the same considerations that every other Senator and there will be no more or no less, so Senator Jones on the issue.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR JONES:

Senator Lemke,...the...the board members that would be elected in the districts...will they be salaried?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LENKE:

They would be just like any other school board, no.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

I...I notice in your Digest it indicates that they...the candidates for the boards would be...would not have to file a campaign...disclosure statement. Why is that there?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LENKE:

That's the same thing we have on the other school boards.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

...looking at the bill, how would the district be divided? You said twenty districts, would the district be divided based on the...population of the students or...or what?...how...how would the districts be divided?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

The districts in the present time were divided as to the current districts they are. When the new census comes out, then the districts will be revised on...on the principle of one man one vote, as we do legislative district, aldermatic wards or whatever you want, it's done that way. We're presently leaving intact the existing districts until the next census so we can have an election on the basis of one man one vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Okay, what powers would the board...have, what...what powers will they have? What powers will the local district boards have?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

It's very simple 'cause you're reading the same sheet I have...Senator Jones, but we can recite those. The local school boards of the twenty districts established by boundaries of the twenty existing. The powers it would have is very simple, each board with the following powers and responsibilities; to employ teachers and other personnel, to fix salaries of the superintendents, principals, administrative personnel, to adopt a budget and appropriate funds allocated to the subdistrict by the School Service District Board of Education, to establish the curriculum and to negotiate with bargaining representatives for nonsalary items. I think it's just like any other school board, we give them no...no less or no more powers, except in this particular...the only thing they have is that other school boards has is the right

to...to raise money. And what we do is set that up in a central district which distributes the money to the subdistricts.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

...the way I look at it here, maybe you can explain this, it says to levy taxes and issue bonds. Would the individual...districts be able to levy taxes individually?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LEMKE:

No, what...if you read it right, Mr. Jones, Senator Jones, and not trying to confuse people, that is the central board. And on that...which is a power right now that the board has and which the city council has no power over, and what we're doing here is putting twenty people on there that are elected by the people that are going to raise their taxes and...and everything else. It's not going to be the merchants of despair that have ruined the Chicago school system for all the years...including now. This gives the parents and the people that pay taxes the right to decide how their schools should be run, like any other school board in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Well, thank you, Mr. President, members of the Senate. I rise in opposition to this bill. Currently in the Chicago school system, as you have in most major cities...in most major cities, you have an appointed board for several reasons. The reasons why...that due to the political climate in the City it would be...it would not be in the interest of the children who attend the public schools to have our

schools so devised up wherein the local politicians and precinct captains will be picking principals, will be the ones to decide whether or not who goes where. In theory...in theory as it relate to an appointed system, the people are involved because the people selects its mayors and...from there the city council approve...must act on the mayor appointees. If one is more or less concerned about the education of children in the Chicago Public School System, then they would not vote for this bill, if you are really concerned about education. But if you're concerned about playing politics with education...and I don't think politics should be involved to the degree wherein the local aldermen, the local ward committeemen would be out there electing people to the school board. This bill does not serve in the best interest of the children of the school system. It is a bill more or less designed for those who are only concerned about political control of education. It is wrong...it should...this bill should be resoundly defeated and sent back to wherever it came from, because I don't know no one in the City of Chicago, no citizen who are...are in support of good schools and good education would support this type of legislation and it should be defeated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes, I rise in support of this legislation, Senator Jones. I'm a citizen of Chicago also.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR LENKE:

I think this is a bill that's long needed in the City of Chicago, in the State of Illinois so the people...finally have something to say about the education of the...their

kids. And as far as political implication, I will assure you this will be a nonpartisan basis 'cause every other school board we're talking about in the City of Chicago or whether it's in the State, no local officials gets involved in running the schools. In Springfield, wherever you go, they let the school board run on their own and it's a...it's a good bill and I think it's time that we start giving the power to the people that pay taxes and send their kids to school to elect those people that represent them that are going to educate their kids. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 500 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 40, the Nays are 14, 2 voting Present. Senate Bill 500 having received the constitutional majority is declared passed. Senate Bill 502, Senator Sangmeister. Senate Bill 509, Senator Luft. Senate Bill 509, Senator Luft. Senate...508, Senator Luft? 509? 510, Senator Smith. Read the bill, Mr. Secretary.

END OF REEL

REEL #2

SECRETARY:

Senate Bill 510.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. Senate Bill 510 was amended in order to meet with the approval of our colleagues here. This bill creates the Crime Prevention Organization Grant Act and it is...amended to change the methods of funding the Crime Prevention Organization Act it created by this bill. It provides for an income tax checkoff like those currently existing in the Illinois Income Tax forms. It allows the...taxpayer to contribute up to ten dollars of their tax refunds for contributions to the Crime Prevention Organization Fund. It has a...a cap on it that if the fund does not receive at least one hundred thousand dollars in any year, that the checkoff will appear on subsequent income tax form. The reason why we are concerned about this is that we have programs in the area of our communities that are seeking to aid the residents in helping to fight crime, and they could go to the Law Enforcement Department of our State and request grants to help them out in order to...keep the program going. This is the intent of this bill. We have a program on...on the southside of the City of Chicago that we call Black on Black Love, but we want to say, we've got a lot of black on black crime, and if we can get this...of the people themselves would do their own by helping to support these...this tax credit. And so I'm ask-

ing that if you would be kind enough to give me a favorable vote on this Senate Bill 510.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate,...Senator...did put an amendment on it which says, if the contributions do not equal a hundred thousand dollars or more, then they can be removed from the tax forms. I think it is a good bill, we have a problem of gangs too in Lake County lately quite...quite substantial. I...I certainly urge favorable consideration of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 510 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate 510 having received the constitutional majority is declared passed. I've been asked by many of the Senators, and this was a consideration we had before, that the doorkeepers do not bring any cards in on 3rd reading, have the lobbyists contact the Senators in their office if they want to talk to them. We have Senators that have missed the roll call on their bills by being pulled off the Floor. I would suggest any Senator that wants to yield or talk to a lobbyist, remove himself at the time but do not bring any cards in. Senate Bill 512, Senator Luft. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 512.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 512 addresses the Banking Act, specifically that part of the Banking Act that is commonly referred to as facilities. I want to acknowledge right off the bat that Senate Bill 512 does not in any way tamper with or change the distance requirements on facilities. What it does do, however, is to change the name from facilities to community service facilities. It increases the number of so-called community service facilities a bank may maintain from three to five, and it changes the kind of services a community service facility may offer; in other words, we are making them full banking facilities. I would attempt to answer any questions; if not, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yes, I would request a ruling from the Chair as to how many votes Senate Bill 512 will take to pass. Does it constitute branch banking?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, in preparation of your question, we have had a ruling prepared and the ruling would be that under the Illinois Constitution, Article XIII, Section 8, Senate Bill 512 will require for Senate passage an affirmative vote of the greater of a constitutional majority or three-fifths of the Senators voting on the question. Is there further discussion? If not, the question is, shall Senate Bill 512 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 35, the Nays are 19, 1 voting Present. Senate Bill 512 having received the majority vote is declared passed. For what pur-

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pose Senator D'Arco arise? It passed. (Machine cut-off)...Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

A point of order, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR SCHUNEMAN:

I understood your ruling in response to Senator Demuzio's question, I understood you to say that this bill would require a...an extraordinary majority. Was that not your ruling?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, it would require three-fifths of those voting. Had there been 23 or 24 Nays and 35 Ayes, the bill would have failed.

SENATOR SCHUNEMAN:

Oh. Only of those voting, not of...not three-fifths of the Body?

PRESIDING OFFICER: (SENATOR SAVICKAS)

As there were only 19 Nays, 35 Ayes, it received a...received the constitutional three-fifths majority and is declared passed. (Machine cutoff)...Bill...for what...Senate Bill 513, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 513.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 513 is a purely technical or...I guess more accurately mechanical bill which deals with the problem of when various due dates file...fall on either Saturday, Sunday, State holidays or other days when

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it is not appropriate, the Department of Revenue does tend to allow the carryover but it does not have specific authorization to do that in all of the Acts which are involved here, and this simply clarifies that they indeed can allow the filing to be...the...the next business day which is typically on a Monday. If there are any questions, I will be happy to answer them; otherwise, it is a very mechanical provision that...as it exists. I would request your support of Senate Bill 513...and...and the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator...the questions is, shall Senate Bill 513 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 513 having received the constitutional majority is declared passed.

PRESIDENT:

Ladies and gentlemen, we have a distinct pleasure today to have with us a very special guest who yesterday was in Chicago attending the Cub game and brought us to victory and is on his way to Denver. It is my distinct honor to introduce to you a man who needs...literally needs no introduction, he is the gentleman who put together and successfully sought a completion the Olympic games and is now the commissioner of baseball. Ladies and Gentlemen of the Senate, Commissioner Peter Ueberroth.

COMMISSIONER UEBERROTH:

(Remarks given by Commissioner Ueberroth)

PRESIDENT:

Bottom of page 11 on the Calendar, on the Order of Senate Bills 3rd Reading, Senate Bill 522. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 522.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Ladies and Gentlemen of the Senate. The bill does exactly what your synopsis says it does; however, it is a rather complex piece of legislation, and due to the press of time, I will try to keep the explanation as simple as possible. We did pass this last year over to the House and the House Judiciary Committee held it there. I think there's some enlightened people over there now. The problem in the State of Illinois is...is that most prosecutors charge people with murder because if it's going to be a voluntary manslaughter, they don't...they would rather have the defendant prove the extenuating circumstances rather than that be a burden that is placed upon the prosecutor. What we are attempting to do here is just divide it into first degree and second degree murder, and therefore, we think that prosecutors will charge when it is a manslaughter case the way they properly should. This all comes about because of...back in 1961 when we revised the Criminal Code, although everybody thinks it's in there, there is no more reference to malice of forethought, and with that being gone, therein rises the confusion. There are many people, nonetheless...Timothy O'Neil who's a professor at John Marshall Law School and a former public defender, we have Professor Hadad from Northwestern University interested in this, Judge Steigman and, in fact, the Supreme Court on...and appellate courts on various cases have indicated that we ought to face up to this issue and we ought to get into first and second degree homicides. I will attempt to answer any questions if there are; if not, I would again like to send this bill to

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the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Just as the minority spokesman on the Senate Judiciary II Committee to second the remarks of Senator Sangmeister. I think he's given a...an adequate explanation and would urge support of all members for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR SANGMEISTER:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...the question is, shall Senate Bill 522 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Savickas. Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 522 having received the required constitutional majority is declared passed. 525, Senator Rock. On the Order of Senate Bills 3rd Reading is Senate Bill 525, Mr. Secretary, call the bill. Read the bill.

SECRETARY:

House...excuse me...House Bill 525...or Senate Bill 525.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 525 as amended would afford the State of Illinois the opportunity to engage in regional interstate

banking. As amended, it also affords the opportunity for those banks, particularly the smaller ones, who do not wish to participate to in fact by option of the board of directors opt out, and they send a resolution to the commissioner of banks and they are not included in the program. But the fact of the matter is, we have the opportunity, it seems to me, to become probably the third best financial market in the United States of America. California and New York far outstrip us at the moment because we have not had...by virtue of our antiquated structure law in this State, we have not had the opportunity we should have had to allow our financial institutions to grow and to prosper. With a regional interstate system touching as it does the contiguous states around the midwest, I think that opportunity is now with us. We have afforded I think every legitimate protection, we have called for reciprocity and we have put the whole program literally in the hands of the commissioner of banks. It seems to me that if we don't do this, at some point in time the Federal Government is going to step in and say, everything is wide open and we don't want that to happen. We should be in a position, as I think with 525 we are and will be, in a position to control our own destiny; and as 525 has been amended, we not only control our own destiny but those banks who do not wish to participate, the independent community banks, if they so wish can opt out of the program, so we are jeopardizing no one. I think this is legislation that is long overdue and it's really a first step but a very necessary step toward, I hope, someday full interstate banking, because at that point in time, I am convinced that the State of Illinois can compete with the best. But in order to get there, we need 525 as amended and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As you know, I've spoken with many of you on both sides of the aisle about this bill, and Senator Rock and I have been working with it for sometime. There are a couple of issues that I think we...we have overlooked, and I just want to quickly state them because Senator Rock has made the case and will close, but there are a couple of things that I think are important. So often you hear people say that this is just an argument over bank ownership. That is not true at all. This is probably as consumer oriented a bill as you can find. The reason being is when you open up a system a little bit more, allows a little more competition...I mean, you remember, the airlines didn't want to be deregulated, but when they opened up a little, what happened from a consumer point of view? We got a better deal. A lot of the gas companies didn't want to get deregulated but we deregulated, the price of natural gas dropped. When you talk about oil, when you talk about the deregulation of trucking; when we deregulated trucking, the trucking companies did not want to be deregulated, and yet, the...yet, from a consumer point of view, the consumer benefited every time. Part of consumer protection is offering a competitive market so the consumer has the right to go to wherever he is being offered the best deal. This...this bill is a step in that direction to offer the consumer the open market that they need. Illinois has the potential to be the financial Senator center, as Senator Rock has said, but if we don't take some action now, time is not on our side. When the Federal Government deregulates, what they will say is...let's open everything up. We have not prepared many of the banks in the financial structure of Illinois for total wide-open competition that the Federal Government is about to give us, and if we don't make the first step, we will be guilty of destroying our own financial system. Those are the only...remarks I really wanted to

make, I think most of us know already what we will be doing. I've spoken to so many of you and I know Senator Rock has, but when you're thinking about the bill, when you say, well, this or that guy is opposed to it, I understand. Very few people would like a little more competition of their market place. But if you honestly are concerned about the actual banking and financial services' consumer, you have to offer more options and this does it. And this starts to rebuild the midwestern region as a cohesive financial structure that I think almost everyone concedes would be dominated by our central location and of the already existing strength of some of our financial institutions. I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. I was not going to speak on this particular bill and just quietly vote Present, but hearing some of the comments...in the context of this is somehow pro-consumer. I suppose on one level that could be said in that any change I suppose would benefit the consumer, but we...we had an opportunity yesterday to adopt the...language that is in the main Statute. It talks about bringing net new funds into our State, and I believe that that would have been excellent public policy and certainly would have made 525 really do what it said it was...what the sponsors say it would do. Instead, that amendment was rejected and a very watered-down element of community reinvestment language was put on that, and I suppose that to a degree,...then arguably someone could say it is pro-consumer. I would hope this is not the last time we see this bill, because I think that it needs some more work and believe that we could put in language that guarantees that banks that come in our State bring in net new funds. Let me tell you, that

main language has brought an inflow of capital into the State of Maine, and I sincerely believe that if we had the same kind of language in 525 that it would be of the benefit to the consumers and to our communities and it would actually do what the sponsors say it does. In its present form, I don't think it does, and in...in its present form, I'm reluctantly going to have to vote Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President, members of the Senate. I...I, too,...don't think this is a good bill in its present form; in fact, I don't believe you could get this bill...at all in a good form to suit me. I prefer that we could keep our small banks and our community banks and keep our consumers happy by trading at home. I think it's a bad bill. It's a big...it...it's not good for the consumer, the businessmen, and I'd certainly urge a No vote; and I'd like to ask the President, will this take an extraordinary majority as...the last banking bill did?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Dunn, in...pardon me...in response to your...to your request for a ruling as to how many votes are required for Senate passage of Senate Bill 525, it is...the ruling of the Chair, Article XII, Section 8 of the Illinois Constitution...I'm sorry...Article XIII, Section 8 of the Illinois Constitution does not require...or does not apply to Senate Bill 525. Therefore, the measure requires a constitutional majority or thirty votes for Senate passage. It is different than the bill that we had previous. Further discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Rock, I was confused with one statement that you made with regard to the fact that banks can opt out, that...I don't quite understand what that means.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

...what it means is that Illinois banks which are fearful of a takeover and...and, frankly, that fear is out there, and I have had a number of letters, as I'm sure all have had, from chief executive officers of smaller banks fearful that they somehow would be taken over, they would get an offer they could not refuse. The fact is that Amendment No. 4 will now permit that board of directors to offer and adopt an irrevocable resolution and forward that resolution to the commissioner of banks saying they're not going to participate, they...it's like an anti-solicitation legislation. Indiana has adopted this for the same reason, because the fear was in Indiana that somehow the big banks from Milwaukee and from Chicago would...would gobble up everybody. Fact is, they now have the opportunity to say to the commissioner of banks, under whose absolute control this program is, we don't wish to participate, count us out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, that...that really is no different than it is now except that...that they're signing something and that's only good until sometime later in...in the eighties,...'88 or something like that. So that really...I think that's perhaps an...an attempt to...to make this a bit more palatable, but the fact of the matter is, the board of directors are always

going to make that decision, so the fact that the...that the language would be in the Statutes, they can or...or...or cannot sell and I...I think that's the way it is. I...many of us agonize over this concept without question. We have banks on both sides of this and I can well recall when we passed the legislation some years ago dealing with holding companies, the way that was made more palatable or acceptable was to make the five...the five regions in the State, and then we fudged a little bit on that by allowing them to transgress from one region to the...the contiguous region. I think those of us in the rural area have some concerns about where we're going with all this. We are concerned about siphoning off assets from the rural communities. I would submit to the Body that now, anywhere in Illinois, if one wants capital and you have a business that's...that's making some money, the loans are available. I think the proponents of this legislation will suggest to you that we need this for economic development. I think you ought to take a look at the fact that this may also siphon assets out of Illinois into other states. I think we have a good system now, it's one that we should stick with and probably the Body ought to reject Senate Bill 525.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I just want to make a quick...point as it relates to some of the comments of Senator Keats that this was somehow a consumer oriented issue and the fact that in the case of airline deregulation we saw the reduction of air fares. That's true. If you want to fly from Chicago to Los Angeles, I think the air fares are less now than they were before. The only problem is, where I live you can't take advantage of those rates unless you can somehow get to Chicago and we can't get to Chicago anymore.

The...the airlines have...have gone to those markets that are most profitable to them and have abandon many of the other communities in Illinois; and I think that's part of the fear in this particular bill, that we see large financial institutions siphoning money out of the small communities that have been serviced by community oriented banks. So I think that the consumer issue here is going to cut both ways and we ought to be aware of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Having heard from nearly every small bank in the area which I represent, I rise in opposition to this bill. Let me just read a statement from Senator William Proxmeier that was made not long ago in addressing this issue. It said, "Access to bank credit can mean the difference between success and failure. If the bulk of bank credit is concentrated in the hands of a few giant money center banks, bank credit is going to be a lot harder to come by for the average man or woman. Why? Because large banks don't really want to bother with small loans. They can make more money by making large loans to multinational corporations or foreign governments." It seems to me that permitting big banks to get bigger at the expense of well managed community banks simply will not help the Illinois economy. The various sectors of this economy are interrelated. Industrial workers depend upon the agribusiness industry, that business is hurting right now. Independent agricultural banks continue to make a substantial number of loans to farmers and small businesses virtually every day. We know that large conglomerate banking institutions provide few loans to either sector of that economy. Interstate bank ownership only aggravates that problem. Illinois farmers and agribusinessmen need the personal atten-

tion, communication and service that's provided by the dedicated local banker; and for those reasons, I urge you to oppose this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sommer.

SENATOR SOMMER:

Brief...briefly, Mr. President. Perhaps, when I'm home in my business I deal with banks, financial institutions every week some way or another, and I found since the savings and loans have branched into our area, we now...because of Federal action have large urban savings and loans in my area emanating from the big city in the north, everything gets harder. My own practical experiences is that the more remote the management, the more difficult it is to do day-to-day business; the kind of thing you can now do in your local bank face to face with people, it..it's just much, much harder.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

May I address one question to the sponsor? One of the points that is raised by others, and particularly, I guess, the opponents, but I think is a point of concern for those of us who don't feel passionately on either side of this question, is the obligation to continue serving or...I guess, yes, continuing serving local communities and I would like to ask you, what is in the bill very specifically that...that deals with the question of continued service to communities, and I guess I would also say, how is community defined in that respect; that is, in terms of just a...a city or a neighborhood within a city or whatever? Could you please address that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, I can and I will. Amendment No. 3 provides, in...in line with what Senator Bloom was talking about, that...that this whole operation is subject to the Community Reinvestment Act which is a Federal Statute and is specifically referenced in this legislation. More than that, let me suggest, as you and I both know, that this concept will be driven by market forces, and I, frankly, find it hard to believe and I did not...frankly, was not impressed with the gentleman from Maine who testified in the committee. I find it hard to believe that if you have an honest to goodness...profitable altruistic banking institution in a given area, that somehow it's going to be swallowed up and...and made to go away. Profit is profit is profit wherever it's found and the market force is going to drive this operation as...as well as any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I mean no disrespect, Mr. President, but I'm still not clear about exactly what the bill says about the nature of that commitment. Is it something that has to be demonstrated before the commissioner...approves the proposed merger, acquisition, and...incidentally, am I correct that every single transaction will require approval of the State Commissioner of Banks? But if you could just be a little more precise about the nature of what the bill says on the community responsibility.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

I will be as precise as surgically possible. The answer to your question is, yes, every transaction is subject to the approval of the State Commissioner of Banks; and more than

that, it...it...when you are making application; to be eligible under the provisions of this Act, you have to provide adequate and appropriate services including services contemplated by the Federal Community Reinvestment Act of 1977, and that directly relates to what Senator Bloom was talking about, that you have to show that, yes, indeed, there will in fact be a benefit to the community in which you wish to do business.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch. Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I...I see now that maybe my question is answered. I was going to request that the previous presiding officer leave the Podium, go to his desk and present to this Body the results of a very fine survey that he made, but I see he has already...he is at his desk, and I hope that that's what is going to happen.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Just a minute. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

Would the Chair permit me at this time to indicate that Senate Bill 500...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator, would we...we'll get back to that...in a few minutes. Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question? Do I understand this bill to provide for reciprocal interstate banking within a defined seven state midwestern region?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

You...you are, as usual, absolutely correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I appreciate the compliment because I don't get too many from you, but anyway, the other point that I want to make sure about that, for example, a New York corporation couldn't leapfrog over and...and take...and come into our State unless they had their principal places of business in one of the six midwest states, isn't that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

The answer is, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I have talked to the banks in my district and, you know, we're...we're part of downstate and our banks are small, and they feel that this is a necessary adjunct for them to continue successfully to provide good service to the public. I don't see anything wrong with this particular bill. It certainly has to be approved by the commissioner of banking for any interstate...acquisition. It simply says, if I understand it correctly that my State as long as the other state...comes in...banking...from other state, they have to have reciprocal acquisitions. I think it's a good bill. I think it will help the banking business to serve the public, because we get complaints, they don't have enough money to give us loans and I think it is a step in the right direc-

tion. I speak in favor of the bill and I can tell you the small banks in my area that communicated with me are for the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I have some mixed emotions about this bill. I think that interstate banking is inevitable one day, but I question as to whether or not Illinois is ready for it today. As many of you know, I took it upon myself since the banking associations in Illinois do not have a...a...a survey that was broad enough to have any indication as to the...what the membership felt relevant to this issue, and, as you know, I sent out twelve hundred and forty-three questionnaires to the banks in Illinois, there are twelve hundred and forty-three. They responded with fifty-eight percent of those that came back, seven hundred and sixteen to be exact, and I will share with you some...briefly the statistics. Do you favor legislation...eliminating the regions to allow bank holding companies to acquire banks anywhere in the State, which this bill does; sixty-three percent responded in the negative. Do you favor legislation allowing bank holding companies based in contiguous states to acquire Illinois banks; seventy percent responded in the negative, they do not. Do you favor legislation allowing bank holding companies based in any state to acquire Illinois banks or bank holding companies; eighty-seven percent said no. And do you favor legislation allowing bank holding companies based outside of Illinois to acquire Illinois banks regardless of whether an Illinois bank holding company may acquire banks in that state; ninety-four percent of the seven hundred and sixteen respondees said no. It gives you some idea and some indication as to where the industry itself is in Illinois, but I heard some remarks also

this morning relevant to how this was going to benefit the consumer. I will suggest to you that the majority of our constituency is not even concerned with the bank geographic...deregulation that is currently in this bill. People out on the street don't understand the terminology of holding companies or branch banking or interstate banking or non-bank banks, but what they do understand and what they do care about is that basic banking services are available from their neighborhood bank and that fees don't whittle away their meager savings or checking accounts, that installment loans are available at interest rates that they can afford, and that they have adequate investment opportunity and that they can get into see their personal banker when they want to. If you believe that this bill affords basic banking services to the consumer, then I would urge you that you...to vote Aye. My own inclination is that if this passes and once the regions are eliminated and once we had foreign banks in the State of Illinois that you'll have absentee ownership of our community banks, that you will, in fact, be dealing with someone who is not your personal banker, that has no relevance whatsoever to the community, and I doubt very seriously as to whether or not there will be an influx of additional capital for small business and for ag. loans and those things in our rural Illinois communities. So I would urge that 525 be defeated. I think it's inevitable that someday that this proposal will in fact be in place. I am told that some of the contiguous states that are considering such similar proposal, in some instances, I think Indiana has passed it, I think Kentucky has, I think it's been defeated in Missouri and I think one other state. So it seems to me that the time has not come for Senate Bill 525.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

Mr. President, question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR DAWSON:

Senator Rock, what is the prevention for any of these banks along our borders of the different...of the State of Illinois, such as in my district that borders on Indiana, what is going to prevent one of these banks in Indiana to set up a branch and...for spending the money back in the communities?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

The...the application process and the commissioner. Every transaction under this legislation must meet with the approval of the Commissioner of Banks of the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

But basically that is what we have done with our liquor and our tobacco and everything else across the State lines of the tax money being taken out and purchased over there, and we're supposed to be controlling this money going out that way and we've failed on it...as a State, and that's why I just...it's under the commissioner's control then. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I was not going to speak on this but I...was not...when I heard about Senator Demuzio's poll. I can only think of one poll that might be more biased than that and that is to write a letter to every person's mother in this

General Assembly who is still living and ask them if their son is a good legislator...or daughter. I...my bank president...I serve on a bank board, got that letter, I had to bribe the secretary so she could show it me, because what that letter actually asks is if the bank presidents want to keep their jobs. Because any time you talk about changing ownership, who's in jeopardy? The bank president and that's the one that responds to the poll...that's right. So I'd...Senator Demuzio, with all respect for your desire to seek out the truth, I would suggest that if you directed that letter to the chairman of the board or to the directors, the response might be quite different than what you got by asking an employee if he wants to keep his job. Now, Crane puts out a list of the top four hundred banks in Illinois. I have been privileged that in the last three years, two of the number one banks have been from my district, and I want to tell you a little bit about those banks. One bank owns...earns 4.6 percent on assets, an unheard of return. There are twenty-three percent loaned out, they are in a community that is eighty percent minority. The other bank that earned 2.6...that ain't shabby at all, Prescott...the other bank that was number one sits in a community in which it is the only bank and it is the only community that I have seen receive twenty-six letters from...against this bill, they're all shareholders, they are lent out sixteen percent. Let me tell you where they make their money and I have no problem with this at all, but we ought to talk about the truth. They make their money by sending it to the Chicago banks on an overnight basis. In many instances, they are nothing more than the capital collectors of their various communities sending the money downtown, and perhaps the reason that they may be concerned is that this bill might allow capital to be taken from elsewhere and remain in that community and lowering the potential return to these people who are now lending

out money. And I would ask, if you're interested...I serve on a bank board as I said, we are now lend out to the ratio that we should be, but you know, we're not really competitive. I just bought a car not too long ago, 8.8 percent interest. I asked my bank, I said, what's your rate? 13.95. In fact, banks have now made the General Motors Acceptance Corporation the largest financial institution in the United States. And I want to tell you, it's not their fault either, their cost of funds are pretty high, but I don't want to hear this anymore about serving the community. We're out there trying to find places to service the community with our rates and what the...what the...John, could you just hold that...we are trying to serve our community based on the limitations of the loans we can make and our ability to make those loans and we're out there looking, but I have to tell you, we have more money than demand. The community will not be underserved if this occurs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Channel 19 TV from Peoria requests permission to tape the proceedings. Is leave granted? Leave is granted. Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm delighted that my colleague on the other side of the aisle brought up Crane's Business. I want to show you, Senator DeAngelis, Crane's Business took a poll too; says, fifty-five percent of the banks said no, keep the status quo. It was the executives who are urging interstate banking now. I hope you don't question their poll. It seems to me that the questionnaire that I sent out, I was attempting to be fair, didn't ask the chief executive to answer it, he could have taken it to the board, wasn't my...wasn't...wasn't my place to pull all of those stockholders of every bank in Illinois, wanted to get some sense as to what the industry felt, 'cause I knew that the consumer

really didn't understand it. But I'll refer you to the...Crane's Business poll and I will stand by it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I would recommend that, Senator Demuzio, with the same ethnic background that I have, the next time you want to check with the polls, check with the Italians too.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm not so sure we're going to change anybody's mind. I think the...the issue has been pretty well debated. We do not govern nor do we make public policy by poll, I hope everybody understands; and let me just suggest to Senator Poshard and others who are truly worried and the worry is justifiable, access to credit is...is the most important economic development tool that we have, and let me just point out to you that where were all these altruistic little, bitty banks when the farmers were in trouble? We had to pass a bill here to afford twenty-five million dollars, because those truly altruistic banks weren't willing to lend their local farmer any money. So I say, bologna. We are not in any respect talking about anything comparable to the airline industry in terms of deregulation. This is a tightly structured, tightly regulated opportunity which will maintain and...and fix the position of Illinois and specifically the City of Chicago as the premiere financial capital center of the midwest, certainly and hopefully, in later years of the nation. There's no attempt here to siphon off any assets. We are talking about regional interstate, the midwest region, our six contiguous states so that if Terre Haute and

Indianapolis who may well be better off doing business in Mount Vernon than they are in the City of Chicago, we can help that area, and Milwaukee may be better off with Waukegan than they are in Chicago. The fact is, and I...specifically to what Senator Bloom said, the net new funds amendment about which he spoke so lovingly, the gentleman from Maine was in our committee and spoke against the whole idea, because it frankly,...in his judgment at least, hadn't worked, and, yet, at the same time, he was the CEO and president of a...a small bank who has survived....an absolute wide-open interstate assault and he survived, and why does he survive, because he provides the kind of services that the people in the community want. And we're not attempting to change that at all. This is tightly regulated, tightly controlled by our commissioner in our State and that's the way it ought to be. I just read an article in the Chicago Bar Record which suggests that the legislative movement toward interstate banking on a regional basis offers Chicago and Illinois an opportunity comparable in some respects to that presented as the railroads moved west more than a century ago. It is an exceptional opportunity and one that should not be missed, and I urge an Aye vote on Senate Bill 525.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 525 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? All voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 21, 4 voting Present. Senate Bill 525 having received the constitutional majority is declared passed. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Well, I was planning on...seeking a...a verification, but as I look around, I see all but one and I know where he's at,

so I will not request a verification.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd...on Senate bills 3rd reading, Senate Bill...for what purpose Senator Bloom arise?

SENATOR BLOOM:

Thank you, Mr. President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR BLOOM:

Seated behind the President's Rostrum are sixth graders from the Washington Elementary School in Peoria. They're the gifted students from all over town. I wonder if they could rise and be recognized.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Senator Zito.

SENATOR ZITO:

Thank you, Mr. President. On a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR ZITO:

Yeah, Senator Topinka and myself are fortunate enough to have one of our mayors from our districts here with us today. He's joined by his wife, his daughter and mother and mother-in-law and I'd like the Senate to recognize Mayor Fred Marunde and his wife and family members. If the Senate would recognize them, I'd appreciate it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Senate Bill 548, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 548.

(Secretary reads title of bill)

3rd reading of he bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Criminal Code to comply with the rest of the offenses. In 1982, the General Assembly raised from a hundred and fifty to three hundred dollars of valuable property involved in the General Theft and Criminal Damage to Property Statutes. Before, persons committing those offenses would be sentenced as Class 4 felons instead of Class A misdemeanors. This brings two other criminal Statutes in conformity with those higher dollar amounts, deceptive practice and retail theft. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 548 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Everybody ready now? Take the record. On that question, the Ayes are 27, the Nays are 30, none voting Present. Senate Bill 548 having failed to receive a constitutional majority is declared...declared lost. Senate Bill 559, Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 559.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 559 allows public universities to enter into...eighteen-year old leases with

the approval of the Board of Higher Education, and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 559 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...55, the Nays are none, none voting Present. Senate Bill 559 having received the constitutional majority is declared passed. Senate Bill 567, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 567.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. This does just about exactly that. It...it's making a few changes and corrections on a bill we passed a couple of years ago. One thing it does is allow the election of the council members at the same time and place of the election of the directors of the Corn and Soybean Marketing Acts, and it just eases the workload of the county extension offices where the elections are...are held. Various other changes that are...that are pretty minor. I'd be happy to...answer any questions if there are any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall Senate Bill 567 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? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 567 having received the required con-

stitutional majority is declared passed. 573, Senator Maitland. Senator Vadalabene, for what purpose do you arise?
SENATOR VADALABENE:

Yes. I have a bill on the Calendar on 3rd reading of 766. I have decided to remove myself as the Senate sponsor of that bill. It puts the hospitals in the nursing home business of which I oppose. The new sponsors of the bill have been designated to be, Senator Bloom, Senator Dawson and Senator Carroll. And I will oppose that bill when it comes up for 3rd reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, with leave of the Body, we will remove Senator Vadalabene as the principal sponsor of Senate Bill 766 and add Senators Bloom, Dawson and Carroll. Senator Bloom.

SENATOR BLOOM:

Sam, was it something I said? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is leave granted? Leave is granted. The sponsorship will...will be so changed. Senate Bill 753,...wait a minute, 573, Mr. Secretary, read the bill, please. Senate Bill 573.

SECRETARY:

Senate Bill 573.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. The bill does exactly as the synopsis has suggested. We are attempting to exempt from filing a...ethics report for those special districts where...where there is a...a salary or other reimbursement as compensation for services excess of their actual...expenses, and I...I think this will...is an attempt to...to get some of those

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3rd Reading

problem areas, people that are primarily just voluntarily serving on these boards. I think it's a good bill and I would seek its support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Welch.

SENATOR WELCH:

Well, I would just speak against this bill. It seems to me that what you're doing is presuming that there may be no conflicts of interest by passing this legislation and, therefore, with that assumption, you're taking a number of individuals who would be required to file a...an ethic statements...statement out of the Act, and I'm not sure that that is something we want to do and I...it's something I don't want to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I acknowledge the comments by my colleague on the other side, I think this is legislation that will encourage people who are volunteering their services for small, special districts and I would seek its support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 573 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 52, the Nays are 4, 2 voting Present. Senate Bill 573 having received the required constitutional majority is declared passed. Senator Topinka on 576. On the Order of Senate Bills 3rd Reading is Senate Bill 576, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 576.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this bill proceeds to take care of...the overflow of horses at race tracks from the Race Track Improvement Fund during racing season. There's no opposition to the bill that I know of, and I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? The question is, shall Senate Bill 576 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 58...58, the Nays are none, none voting Present. Senate Bill 576 having received the required constitutional majority is declared passed. 579, Senator Jeremiah Joyce. On the Order of Senate Bills 3rd Reading is Senate Bill 579, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 579.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 579 will permit counties and municipalities to assess a fee in an amount up to ten percent for rezoning or special use permits that...ten percent of the increased valuation of the property as a result of the zoning change. It's permissive, it allows an additional source of revenue if the municipality or the county so elect, and I ask for

its...for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall Senate Bill 579 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 5, none voting Present. Senate Bill 579 having received the required constitutional majority is declared passed. 595, Senator Bloom. On the Order of Senate Bills 3rd Reading, Senate Bill 595, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 595.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President, fellow Senators. This bill amends the Criminal Code. It's something that Senator Sangmeister and I worked on last Session and this Session. What we're doing here is, essentially right now an insanity defense consists of two prongs; the cognitive prong requires that at the time of the offense the defendant as a result of mental disease or defect lacked the substantial capacity to appreciate the criminality of his conduct; the volitional prong requires the inability to conform his conduct to the requirements of the law because of the mental disease or defect. What Senate Bill 595 does is remove the volitional prong, in other words, remove the irresistible impulse part of that. The Federal Comprehensive Crime Control Act of 1984 has eliminated the volitional prong and the American Bar Association and the American Psychiatric Association and the Uniform Law Commissioners have all suggested that the defense

be altered. So this is to tighten up the insanity defense. I'll answer any questions you may have, otherwise, seek an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. This bill did come through our committee and I do rise in support of the legislation. I think it...everybody should understand and it should be very clear as to what the legislation does. The intent of the legislation is to allow the insanity defense in fewer cases. That is what this bill will do and if that is your...if you agree...I mean, it still allows the insanity defense if the individual cannot appreciate the criminality of his conduct. That still would allow the insanity defense, but if he was not able to conform his conduct to the requirements of the law, that would be removed as an element of the insanity defense. So, I just wanted to make that clear but I am supportive of the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, Senator Bloom, would you explain to me, I'm just curious, if you are a sitting judge and I tell you that my client as a result of mental disease or mental defect is unable to appreciate the criminality of his conduct as opposed to me telling you that my client as a result of mental disease or mental defect is unable to conform his conduct to the requirements of the law, would you tell me how you would distinguish between those two arguments?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Well,...trying...I'll take a crack at it. Simply stated,

if he did not appreciate by virtue of his mental disease or defect the criminality of his act, then the insanity defense would be allowed, but if indeed he...you're...tell the judge at a bench trial, he was unable to conform his conduct to the standards of law because he was a fruitcake, then the insanity defense would not be allowed to him.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I...I suggest to you that we are doing nothing, so I won't belabor...belabor this point other than tell you, you know, you'd have to be insane if you...if...if you put a case on and you would...bring in the...you're bringing in the same experts, you're bringing in the same people who are going to testify one way or the other. They're going to say,...yes, this guy cannot...because of result of mental disease or mental defect he cannot appreciate the criminality of his conduct; or, as a result, whether...you know, I've been through a number of these cases, we don't have a...the real problem...if you want to know what the real problem with this whole thing is, Senator Bloom, I know you're just dying to...you're just crazy to know that the real problem is here. I will tell you, it is that the...it's the judges. It's the judges, they stack up all these professionals...in Cook County, for example, we have had...we have had...we have had four cases in the last twelve years in which a jury has found a defendant not guilty by reason of insanity. We have had a hundred and twenty cases in the last two years in which a judge has found a defendant not guilty by reason of insanity. We are really doing nothing with this, but because that judge from downstate, whatever his name is, who wants to try to...do this, you know, we'll go along with it, but if we really want to do something, we should just...eliminate the defense of insanity. That's what this bill should be, if

we're trying to...to really address the problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Bloom may close.

SENATOR BLOOM:

Well, I won't belabor the topic. I think that the problem as outlined by Senator Joyce is one of forum...forum shopping to a degree and to a degree the Criminal Defense Bar saying that they got a better shot at a judge than they do at a jury which has...a jury probably has a lot more common sense in one level. I would appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 595 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 3, 2 voting Present. Senate Bill 595 having received the required constitutional majority is declared passed. 603, Senator Maitland. On the Order of Senate Bills 3rd Reading is Senate Bill 603, Mr. Secretary. Read the bill, please.

SECRETARY:

Senate Bill 603.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCZ:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR DUDYCZ:

Mr. President, Ladies and Gentlemen of the Senate, we have some special guests from my district. In the

President's Gallery, this morning we have the eighth grade class and the faculty from Messiah Lutheran Elementary School, would ask that our guests please rise and be recognized.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Would our guests in the gallery please rise and be recognized by the Senate. Welcome to Springfield. On the Order of Senate Bills 603, Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 603 is permissive and would allow that the court may order probationers to pay up to fifteen dollars per month to defray the cost of the probation office.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? The question is, shall Senate Bill 603 pass. Those in favor will vote...Senator...Senator Sangmeister.

SENATOR SANGMEISTER:

...yeah, just quickly. What probation cases are we talking about here? Every...every person that's placed on probation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I doubt that that would be the case...Senator. It's just...it's permissive and the court may order in particular cases a person being placed on probation...to pay up to fifteen dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

...traffic tickets as well? Any probation case...we have misdemeanors, felonies, traffic tickets, the whole scoop?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

I...I would imagine, Senator, it's just only those that go through the probation office in the county.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister...Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hall.

SENATOR HALL:

Senator, if a...if a person is not an indigent, do they still follow that same procedure?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Hall, I...I would...would imagine, once again...this is permissive, first of all, and I think only in...in certain circumstances is that court going to order that the...that the individual pay for a portion of the cost of...of probation. Certainly with respect to an indigent, the court is not going to rule in that way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I seek your support for Senate Bill 603.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 603 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On

that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 603 having received the required constitutional majority is declared passed. 612, Senator Bloom. On the Order of Senate Bills 3rd Reading is...Senate Bill 612, Mr. Secretary, read the bill, please.

END OF REEL

REEL #3

SECRETARY:

Senate Bill 612.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Yes, this bill came to us from the Administrative Procedure Act process of the Joint Committee on Administrative Rules. There is an ongoing problem that this bill addresses the problem of State regulations that incorporate standards and Federal guidelines or Federal rules by reference, and it's confusing to the general public unless there is someplace that the public can go to find the references. This bill attempts to provide guidelines in this process and I'll answer any questions, otherwise, seek a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 612 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 59, the Nays

are none, none voting Present. Senate Bill 612 having received the required constitutional majority is declared passed. 613, Senator Etheredge. On the Order of Senate Bills 3rd Reading is Senate Bill 613. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 613.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The bill does just exactly as the synopsis on the Calendar indicates. It permits the Fox Valley Park District to...to sell a building which they do not need at the present time at a public sale. I'd be very happy to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Question is, shall Senate Bill 613 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, 1...none voting Present. Senate Bill 613 having received the required constitutional majority is declared passed. 617, Senator Geo-Karis. On the Order of Senate Bills...Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

It's my understanding that some...as a point of personal privilege, I understand there's some game playing being made. So, at this time, I would like to make a motion to reconsider Senate Bill 500 and let it go on its way since it had forty votes. I mean, if they want to play games, fine, but that's

only on close votes. This bill passed by forty votes. I understand that that bill will be tied up now, and I would like that motion right now 'cause I would have made it right after the bill was done. So, I want to make a motion to reconsider.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Lemke, we're not on the Order of Motions. Is there leave...is there leave to go to the Order of Motions? All right, leave is granted. On the Order of Motions, Senator Lemke, state your motion.

SENATOR LEMKE:

I move to reconsider by the vote by which 500 passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Lemke having voted on the prevailing side moves to reconsider the vote by which Senate Bill 500 passed. Any discussion? Senator Rock.

SENATOR ROCK:

Well, I...I don't think there are any games being played. My understanding was that a member of this Senate has filed a motion on that piece of legislation. Now, if, indeed, we're going to that order of business, there is, in fact, a motion filed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke, there is, in fact, a written motion that has been filed by Senator Chew moving the same motion. Senator Lemke.

SENATOR LEMKE:

Table.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We...we are currently discussing your motion, Senator Lemke. Your motion is before the Body. Senator Lemke.

SENATOR LEMKE:

...consider, which I would have done after the bill was passed had I known this game is going to be played, 'cause

the man that's against the principle is filing a motion to reconsider. I want this motion heard, so we can go on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You...Senator Lemke, you want your motion heard?

SENATOR LEMKE:

Either motion, I don't care.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, your the maker.

SENATOR LEMKE:

...if we go with...I'll...I'll go...I make a motion that we move to lie it on...move to reconsider the vote by which Senate Bill 500 passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right,...Senator...discussion? Senator Chew.

SENATOR CHEW:

Well, since he's made that motion, I would defer my comments to Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further...Senator Rock.

SENATOR ROCK:

I will accept the gentleman's gracious gesture. I didn't vote on this question. The fact of the matter is, it is a very relatively, at least, heavyweight subject talking about whether or not the school board and the City of Chicago ought to be elected or appointed. Senator Chew apparently had voted on the prevailing side and filed a motion to reconsider. I did not vote. I, frankly, don't believe that we ought to change that system at the moment. We have just successfully reelected, for the second time in the history of the City of Chicago, an Hispanic as the chairman of that board. I think, frankly, it's...under the circumstances, it's operating pretty well; but I think if the motion to reconsider is placed, I'm sorry we got to that order of business right now, but as long as we're here, let's do it.

I intend to vote Aye on the motion to reconsider because I think that question ought to be debated at some length.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Well, you know, I think that Senator Rock has probably answered most of my questions on this. My point is this, if...if this is a tactic that we're going to start to use, you know, we...we're not even into June and if you're going to say...starting voting Aye or No on...voting contrary to the way you wish the bill to...to come out and then file a motion for the purpose of placing that in limbo because, Lord knows, when we go to these orders of business, you know, I'm...I'm satisfied and happy that...that President Rock is...is saying we'll go to this now, but I think it...because it establishes a dangerous precedent and we'll be here till God knows when.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Chew.

SENATOR CHEW:

Yeah, well, I filed a motion simply because I was not on the Floor and I was voted Aye on the bill. I would have voted Nay, but since I'm recorded as voting Aye, I would hope that my motion prevails or we will vote on Senator Lemke's motion. It isn't a question of what time you get to it, it's a question that some of us sometimes are called off the Floor for many things, in this instance, it happened. I was down in the Governor's Office when it happened. I'm not accusing anybody of...of voting...in the Governor's Office down on the second floor when it happened, will go back when he calls, and if a vote is erroneously put on there by me or anybody else, we'll just take that off. Be that as it may, I think the motion should prevail, Mr. President, and I would support Senator Lemke's motion or if he wants to defer to mine, I

would ask that my motion be voted upon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Lemke may close. Senator Lemke having voted on the prevailing side moves to reconsider the vote by which Senate Bill 500 passed. Those in favor signify by saying Aye. Opposed Nay. The Ayes...in the opinion...Senator Lemke has requested a roll call. The question is,...all right, in the opinion of the Chair, the Ayes had it. Motion is reconsidered. Senator Lemke. Senator Lemke, you're on.

SENATOR LEMKE:

Move for the passage of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Rock.

SENATOR ROCK:

Well, just...just so everybody understands what we're about here and...and I'm...truly, I'm sorry we got into this fix. The...the vote now having been reconsidered, we are now on the Order of Senate Bill 500 at passage stage and so another roll call will be required. I, for one, intend to vote No. I do not think at this point in time that we ought to be about the business of electing or calling for the election of a school board in the City of Chicago. I think it's a mistake and I would urge those who, perhaps, did vote Aye to reconsider their vote as we have just as a Body done because this is something with which we ought not tinker.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

I move to lay the motion on the Table...Table the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Fawell has moved to Table Senate...has moved to Table...oh, Senator Fawell, I don't know of any other time in my eleven years that we've allowed a member to

move to Table another member's bill. Senator Fawell.

SENATOR FAWELL:

I...I withdraw my motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you. Further discussion? All right, Senator Lemke...Senator Lemke may close.

SENATOR LEMKE:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 500 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 19, 2 voting Present. Senate Bill 500 having received the required constitutional majority is declared passed. Senator Lemke now moves...I am told by the Parliamentarian that under our rules that no bill can be considered...be reconsidered twice and, therefore, the bill is just simply declared passed. With leave of the Body, we'll return to the Order of...Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, while we're on that order of business, I have Senate Bill 81 that I want to be placed back on the Calendar. The motion has been filed. We're on that order.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...pointed out, we had leave of the Body to go to this order of business. Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

I think, Mr. President, leave was given for only this bill, 500, to go back to that order.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Well, we...we did go to that order of business and I have a motion filed. I don't want to hear this on 3rd reading. I don't want to bog the Body down, but there is a motion, having voted on the prevailing side, on Senate Bill 81. I would move to reconsider the vote by which Senate Bill 81 failed just for the purpose of getting it back on the Calendar so that it can be called on the regular order of business.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Well, I...I think we gave leave to go to that order of business to hear one bill. Now, if we're going to open it up to all motions, that's another thing, but the...the leave was given to hear 500 and 500 only.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Allow me to suggest that...that the...we get...later in the day, we will get back to the Order of Motions. We are going to start bogging down badly here. I know Senator Vadalabene has one. I know Senator Marovitz has one. I know Senator Collins has one. Even my friend Senator Keats has one which I don't intend to recognize.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR ROCK:

The fact is, why don't you...it's, you know, I...I'll move if...if a motion is necessary, I will move that we revert to the Order of 3rd Reading and let's get on with our business.

*SB 617
3rd reading*

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there leave of the Body to return to the Order of Senate Bills 3rd Reading? Leave is granted. On the Order of Senate Bills 3rd Reading, Senate Bill 617. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 617.

(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, Senate Bill 617...provides that the corporate authorities of any municipality may refuse to license or franchise or renew the license or franchise of any person or business operating a community antenna television system who knowingly distributes by wire or cable to its...subscribers any indecent material or knowingly provides such material for distribution to a municipality. It also provides that indecent material should include...lurid details of the violent, physical torture or dismemberment of a person. I think it is very important that this House go on record as a statement of policy that we are not going to permit cable television to be sloppy in the way it operates, that they should monitor their programs more carefully so that they don't affect young minds deleteriously. I have passed out to you several instances where cable television has been sloppy the way it has handled its programming where young people have been seeing some horrible pornographic movies and I think it's high time that we help our young people, not hinder them, by monitoring our...cable television more closely. I move for the favorable passage of the bill. I think it's important that this House go on record on a statement of policy that we do not

tolerate sloppy cable television which hurts minds of young people because of their pornographic interference in...in financial programs, in new programs and language that's awful that comes through other programs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

All right, we have the following Senators that are seeking recognition: Senator Berman, Smith, Marovitz, Kelly, Rock and Dudycz, and Senator Davidson wants to ask a question. Senator Davidson moves the previous question. Senator Davidson, we do have Senator Kustra now that's been added, so...previous question has been moved. Is leave granted? Leave is granted. On the question, Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. First, I raise a parliamentary inquiry as to the number of votes...needed to pass this bill inasmuch as it appears to be preemptive of home rule power.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, the bill as amended does...contain permissive language and does not deny or limit the home rule power, so is, therefore, requires the constitutional majority of thirty votes for passage.

SENATOR BERMAN:

Thank you, Mr. President. On the merits of the bill. We are being asked to get into an area which we really don't have to get into. This deals with cable...television and that operation is licensed by the local municipalities. Each of this local municipalities have elected legislative bodies, usually they're called city councils or they're called some other name, but there is an elected body which regulates the franchise under which cable television operates. We're doing nothing by this bill except probably allowing a few lawyers to make a substantial fee in contesting the constitutionality of this bill, but you're doing nothing, absolutely nothing regarding preserving or maintaining or safeguarding the

morals of any of our citizens, youngsters or oldsters. It is an empty gesture. I find it ludicrous to take up our time in the closing days when we talk about obscenity and trashiness and sexual acts and perversion, et cetera, et cetera. There's nothing in this bill that's going to mean anything as far as regulating the...the power of the local municipalities to regulate cable...cable television, and I think that it's really an insult to our time and authority to ask us to vote on this bill. I stand in opposition to Senate Bill 617.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I'm going to stand in support of this bill. I realize that cable television is well organized and they put to our public whatever they so desire. I'm sure that they're well organized, but I still say that we have young people who are impressionable and many of them have to stay in the homes and many of them have cable television in their homes and their parents are not there because they're someplace else, and these pictures that are shown are viewed by young people, I do not think is very good. I think that these form impressions in their mind and they will take up these habits and I don't think it's very good for our society. Our young people are...are running rampant as it is and if we can implement any type of law, any type of suggestion that will correct the minds and the thinking of our adults and focus towards them what's happening in our society, then I think that we should go with this bill and see that it is adopted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, this bill was also embodied in Senate Bill

1188 which came before my committee, Judiciary Committee, and the sponsor agreed to remove everything in the bill and to make it...the Obscenity Statute of California, which we did. If you take a look at this legislation, this is the height of governmental sensorship and I...I find it hard to believe that this Body is going to go on record as really sustaining governmental sensorship. The...the...the purview and the...of the legislation is very vague...words like nudity are used and...and human sexual organs. I think we find a lot of educational things on...on TV where nudity is involved and human sexual organs are displayed. The fact is, there's also...reference to violence. I wonder if the sponsor of this legislation has watched much TV lately...public TV lately. If you can tell me any night that you won't find violence on any one of our public TV channels, maybe we ought to start sensoring them if that's what your intention is. This bill is vague. I want to tell you, no matter...if...if this bill passes, it's going to be tied up in the courts for a long time. A lot of my friends who...who were down here last week are going to be making an awful lot of money going to the...through the circuit courts, to the appellate court and to the Supreme Court on this legislation. There are some very serious constitutional problems. Some of the...some of the tenants of this legislation were found unconstitutional when this was attempted in other states...in other states. I don't know why we take the time of the Body to go over this unconstitutional stuff over and over again. This is really ridiculous. If people want cable TV, they want to pay for cable TV, that's what freedom of choice is all about and if they don't want a...a...a station such as the Playboy channel that offers that, they don't have to bring it into their home. That's what freedom of choice is all about, and now we're...we're putting some vague standards in here about nudity that nobody really knows what the community standards

are, what's going to be allowed, what's not going to be allowed. Ladies and gentlemen, this is a terrible idea and if you don't want to be record No, then you really should be recorded Present.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I've got a hundred and eighty degree different opinion than from Senator Marovitz who's a very distinguished member of this Body. I am concerned that the legislation has been watered down to the point where I think that a resolution could do almost as much good as this legislation, but I want to compliment Senator Geo-Karis for being a strong and a vigorous fighter on this issue, and this is one issue that divides the liberal from the conservatives that are in this Body, let me tell you. I wish, Senator Geo-Karis, that you'd go even further and...and not only pointing out pornography as being sexual material but also that it concerns violent material as well and I know that's what you intention is, but Senator Marovitz had mentioned that maybe we might be getting in the area of trying to sensor the common television stations. Well, I don't think that's all bad because they're getting to be just as bad as the cable, and I think it's very...not only degrading but it's certainly not in the best interest of our young people and even the teaching of criminal activity and behavior has...has accelerated itself. So, I am very proud to support this measure and encourage all of you to vote Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

...I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR DUDYCZ:

Senator, don't the cable systems currently provide lock-out devices to...during the adult programming or the adult stations?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

They do but the lock...lock box devices are...are not foolproof at all. I've had many parents tell me that where they've had them, they haven't worked. All this bill is trying to do is clean up the act of the cable television. It was still bombed by the case of Miller versus California on the standards.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Well, if we want to clean up the act, I find the acts of violence more offensive than the sex acts. I find decapitation and a rape, murder and other acts of violence that are seen on TV every day more offensive than the sex act. Why didn't you not include the violent acts in...in this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, I have. I said, I amended the bill to provide that indecent material will also include lurid details of the violent, physical torture or dismemberment of a person. I have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Well...well, my analysis says, "Human sexual organs or

functions, ultimate sexual acts of any kind, nudity or masturbation." Now, I don't see anything...you...watching Channel 2 on six o'clock news and you'd see the...during the Vietnam conflict where the chief of police shot a man in the head during the Vietnam War. This was on national television. Now that's more offensive to...for my children to watch than...not...I'm not agreeing with the...with the...perversion that is shown on the cable television, but I'm talking about the acts of violence that are more offensive to me. I...go ahead.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

They were...they are...I did just describe them to you. They came in by amendment. I amended the bill to include that and you may not have it in your book but I have it in here, believe me. It's in there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I rise in support of this legislation because I think that it addresses a really serious problem that we have in this State and, for that matter, in this country today. Those cable TV's that are coming into our homes are public airwaves, and I can tell you from some personal experience, having stumbled across one of those programs in my area while visiting a friend one night that that's the kind of material you're not going to find on Channel 2 or Channel 5 or 7 or 9; in fact, you'll be lucky to find it in most communities in the X-rated shows. I mean, we're talking about pornography, hard core. It's on cable TV stations now across this State. Something has to be done about that. Senator Geo-Karis has tried to deal with that in this particular bill. I'd like to think

that the problem is being addressed by our local communities, but the fact is, it is not; and we do have in this State a Constitution which allows the State of Illinois to preempt...to preempt local communities when they simply aren't doing a job, and this particular bill here, as far as I'm concerned, will do just that. Every time something like this comes up, I hear talk about, well, it may be unconstitutional, in another State it might be this or it might be that. I didn't come down here to be a judge. I didn't come down here to take the Constitution and carefully with every piece of legislation which we pass judge whether or not some future court is going to find it constitutional or not, that's for the courts. This is a Legislature. I was elected by people who I think want those cable TV stations cleaned up. I stand in support of this bill as the father of two children. I don't want their hands on this material. I think, especially for adolescents, we're creating some very serious problems for adolescents as far as their emotional development is concerned. I would seek an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Our last speaker before the previous question was moved is Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 617, and the fact of the matter is, this is an attempt at censorship in its rawest form, and we just ought not be about that business. As a matter of fact, if this were the law and it was generally applicable, and I'm sure that's what Senator Geokaris has in mind, the Chief Executive of this State in the Gary Dotson hearing would not have been on television. Now, I know that's what you were after and I appreciate that, but the fact of the matter is, we are indulging in an exercise

that we really ought not indulge in. Sensorship is sensorship is sensorship. I urge a No vote on Senate Bill 617.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 617 pass. Those in...oh, I'm sorry, Senator Geo-Karis may close debate.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, to answer the colleague on the other side, my Senate Bill 1188 completely striped any reference to cable television and it included the standards of the Miller versus California on obscenity and of Board versus Illinois cases on masturbation acts and so forth, if you recall. All right, so I did not...I kept my word and that's exactly the way that bill went out. This is another bill. This bill...is in line with the Federal Cable Communications Act of 1984 which was passed last year prohibiting the cable casting of obscene programming and preserving the right of the State and local community to adopt laws regulating indecent programming. We must keep in mind that all this bill does is gives the corporate authorities the right...and it may...they may refuse to license or franchise or renew the license or franchise of any cable television. What this bill really does...it also includes, in...under definition of indecency, lurid details of the violent, physical torture...or dismemberment of a person. We just had a young lad a few weeks ago who stuffed his mother in a refrigerator and killed her. Now, where did he get those ideas? I can tell you where he gets those ideas from some of this horrible stuff that's on television, and as Senator Kelly says, some of it is...right on...the present television system, why that should be cleaned up too. What this bill is doing is making a statement of policy that this House is not going to put up with cable televisions that...companies that do not clean up their act and conform

to the law. I ask for a favorable vote in the...the sense of decency for young people and helping young people's mind not to be perverted or averted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 617 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 36, the Nays are 7, 8 voting Present. Senate Bill 617 having...having a constitutional majority is declared passed. Senate Bill 621, Senator...Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

...the prevailing side, I move to reconsider the vote by which this bill was voted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Geo-Karis moves to reconsider the vote by which Senate Bill 621 passed. Senator Lemke moves to Table that motion. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries...on 617. On Senate Bill 621, Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 621.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 621 came out of the Senate Judiciary II Committee...unanimously. I don't know why it was on the Agreed Bill List, but it's what...Senate Bill 621 seeks to do is to create a new offense of...of unlawful delivery of

hazardous materials. It would allow the State of Illinois to have a greater ability to vigorously attack the hazardous waste problem in...in our State and ensure that individuals who generate hazardous waste will make sure that their waste will be properly handled, treated and disposed. It would create the offense of a...a Class 3 felony and a potential fine of up to two hundred and fifty thousand dollars. I...I don't know of any opposition. I would move for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 621 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 40, the Nays are 14, 1 voting Present. Senate Bill 621 having received the constitutional majority is declared passed. Senate Bill 626, Senator Newhouse. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 626.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. Senate Bill 626 is designed to increase the number of minorities pursuing graduate and professional degrees and subsequently increase the number of minority teachers and administrators in higher education. I think we know...all know how important this is to our educational system in the State of Illinois. It's a recommendation from the Senator...Senate Higher Education Subcommittee on Minority Concerns. It is...it is supported by the Illinois Board of Higher Education, by the Board of Regents, Board of Governors, SIU and so forth. There's no

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known opposition. I...I would move for a favorable roll call on Senate Bill 626.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Dunn.

SENATOR DUNN:

Thank you, Mr...thank you, Mr. President and members of the Senate. This bill was heard in Higher Education Committee; and as minority spokesman, we on the minority side pretty well approved it subject to its being amended by the...and...and it has been amended, and I'm going to vote for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse may close.

SENATOR NEWHOUSE:

Thank you, Mr. President. I just...I move for...I'd ask a favorable roll call on 626.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 626 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 58, the Nays are none, none voting Present. Senate Bill 626 having received the required constitutional majority is declared passed. Top of page 13, 627, Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 627. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 627.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

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

Senate Bill 627 is...is one of the packages of bills that came out of the Senate Subcommittee on Higher Education and...and what it...what the bill does is mandate the Board of Higher Education to require public institutions of education to design or implement programs to increase the...the participation of minorities and handicapped persons and women in higher education. It is one of the series of bills that came out of the subcommittee, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Does this also prohibit them from discriminating on the basis of unfavorable discharge from the army?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

That's not part of the bill whatsoever, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President and members of the...Senate. We debated this bill and put it on the Agreed Bill List in our education...Higher Education Committee as amended and I'd recommend its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill 627 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 627 having received the required constitutional majority is declared passed. 628. 629. On the Order of Senate Bills...Senate Bills 3rd Reading is Senate Bill 629, Mr. Secretary, read the bill,

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please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 629.

(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, the bill does just what the synopsis states. It provides that an uninhabited territory contiguous to a municipality and owned by that municipality but located in another municipality may be annexed by the owner of the municipality by ordinance and automatically disconnected from the other municipality. This is a territory that is uninhabited and owned by the municipality. I would move its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall Senate Bill 629 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 54, the Nays are none, 2 voting Present. Senate Bill 629 having received the required constitutional majority is declared passed. Senator Barkhausen, 632. Senate bills 3rd reading is Senate Bill 632, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 632.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 632 seeks to add

as an aggravating factor in the Illinois Death Penalty Statute a...a certain language which would permit in certain select circumstances the death penalty...to potentially be applied or imposed in cases where, and I quote, "The murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means and the conduct of the defendant created a reasonable expectation that the death of a human being would...result therefrom." This language is the work product of a lengthy search on the part of our staff and people who have been...for a considerable period of time have given attention to the death penalty not only in Illinois but throughout the country to seek to find a way to possibly have it apply in situations beyond the relatively narrow circumstances where it can be imposed under our existing Illinois Death Penalty Statute. This language that we came up with is...is largely borrowing from a Florida Statute and to some extent also a Texas Statute and to that extent is something of a hybrid of those two laws, but it is primarily taken from...from Florida language which similarly reads in part that the capital felony was a homicide and was committed in a cold, calculated and premeditated manner without any pretense of moral or legal justification. What our proposed language has in...most in common with the Florida Statute is the use of the words "cold, calculated and premeditated," and I take pains to point out that that language in Florida has...that...that has been in effect for at least four years and that the Florida Statute was upheld against a void for vagueness challenge by the Florida Supreme Court in the case of Smith versus State, and that the United State's Supreme Court in reviewing that case denied certiorari and...and in doing so implicitly upheld the constitutionality of that Florida Statute on which, as I say, our proposal is based. If you bear with me for just a minute because I think if...if

this bill is to pass and be enacted into law, it's quite likely that at some point the courts, perhaps even the United State's Supreme Court, will be looking at what we say today in trying to help to determine whether this bill is, in fact, constitutional. So, let me just elaborate, if I may, for another minute. The Florida Courts in looking at this language similar to this proposal have uniformly held that the words "cold and calculated" qualify the requirement of premeditation and they have required proof beyond the mere premeditation required to commit murder. So, I emphasize that this...this language, if adopted, would not necessarily or would...would not in any way mean that all murders that are committed in a premeditated manner would necessarily qualify for the death penalty, because the Florida Supreme Court has held that the level of premeditation needed to convict in the penalty phase of a first degree murder trial does not necessarily rise to the level of cold, calculating and premeditated manner incorporated in this factor of aggravation and they so decided in the case of Jent, J-E-N-T, versus State in 1981 in which again the United State's Supreme Court denied certiorari. I emphasize again and I, again, ask for your indulgence because I do think this...this debate may have some significance to the courts at some point. This...this Senate Bill 632 is...the language is even more elaborate than the Florida scheme since it also requires a showing beyond cold, calculated and premeditation, it requires a showing of a preconceived plan, scheme or design to take a human life by unlawful means. This...thus it does provide a sufficient distinctions to give guidance to a court or jury in its deliberations in deciding whether to impose the death penalty. It is clear that without additional proof, mere premeditation alone will not be enough; therefore, murder which meets the statutory definition of that offense will not...I again emphasize, will not automatically

qualify for the death penalty, rather the State will have to establish beyond a reasonable doubt each part of the new aggravating factor. When an aggravating factor or factors are found to be present, the jury or court must still weigh them against any mitigating factors such as those already set forth in our Illinois Statute. If the aggravating factors clearly outweigh the mitigating factors, only then is a capital punishment sentence available. It is then up to the sentencer to determine whether or not to impose it. The law requires that only the statutory factors be considered and it is the intent of Senate Bill 632 to tighten up the Statute in relation to a set of murders where the death penalty should be considered but is not presently permissible. Be happy to entertain any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have Senator Sangmeister, Marovitz and Bloom that are seeking recognition. We'll start with Senator Sangmeister.

SENATOR SANGHEISTER:

Thank you. It's with some great reluctance that I rise in opposition to this. I think most of you know where I come from when it deals with the death penalty; however, I think you better understand, those of you that do not deal in criminal law, what we're talking about. We're talking about a person who's already been convicted of murder. Now, the question is, is he going to get the death penalty or not. United State's Supreme Court, back in '75-'76, whenever it was that they rendered that decision said you had to have certain factors, the death penalty just can't apply to everyone because there's been a homicide. So, in Illinois, we set out eight specific reasons when it can be given. Senator Barkhausen is attempting to add the ninth one. For example, without going into all of them, kill a peace officer or a fireman, your...qualify. You're an employee of the Department of Corrections, a guard, you qualify. You murder two or

more individuals, you qualify. You hijacked an airplane and killed someone, you qualify. On and on. Now the ninth one, which he is attempting to put in here, says the murder was committed in a cold, calculated and premeditated manner. That almost sounds like a newspaper reporting on a homicide that happened in your neighborhood. I would say to you that I think there are very few murders where a jury considering this factor would not be able to latch on to it, and although the Florida Supreme Court may have held this kind of terminology constitutional, I'm not so sure we can rely on the Illinois Supreme Court to do the same, and if they set this aside, our whole Death Statute may go down the drain because of it. I think that's a legitimate concern, and for that reason only, I rise in opposition and I think you ought to chew on that argument. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Speaking of chewing, Senator Hall, do you have an announcement?

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd just like to announce that up there is a huge cake. It just happens to have my picture on it. It's...I'm celebrating my 31st anniversary of my 39th birthday, so what we're going to do is that...you might hold it up so everyone might see it and then we're going to eat it on this Floor and everyone should be welcome.

PRESIDING OFFICER: (SENATOR SAVICKAS)

And I think the picture on it represents seventy years of good living. Senator Geo-Karis.

SENATOR GEO-KARIS:

Point of personal privilege. I must congratulate Senator Hall. If he's seventy years of age, there's not one of us in here who'll look that well at the age of seventy, and I think he must have drunk from the Fountain of Youth, and I cer-

tainly want to congratulate him and wish him seventy more.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, there...there are some Senators that think you look pretty good. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very...thank...thank you, Mr. President and members of the Senate. Well, I want to make it clear, this is...this is a somewhat controversial bill. It got out of committee, my committee, 5 to 4 and Senator D'Arco had left the committee just prior to...have a bill heard in another committee and mentioned to me that he wanted to vote No on this legislation and it never would have gotten out of committee at that point, but it was on a 5 to 4 vote. Senator Sangmeister already enumerated the...the eight instances when the death penalty can be...can be awarded. This legislation and the Supreme Court has consistently in its opinions said that guidelines are very important when administering the death penalty, and it should only be given...sentence of the death penalty should only be given in the worst type of offenses. Well, anybody could interpret this language so liberally. It is so vague that any case at all could be given the death penalty. Now, maybe that's what you feel, but that's not what the Supreme Court has said. The Supreme Court has said, we need guidelines and we need the death penalty in the worst type of offenses. This language is very vague, preconceived plan, scheme or design. Well, that's just a definition of premeditation. That's already in the law. There's no guidelines to differentiate between murders where the death penalty can be imposed and when the death penalty cannot be imposed. So, basically what we're saying is, we're changing the entire law here. Those other eight instances that Senator Sangmeister read to you will make no difference whatsoever and a jury will be allowed to award the death penalty in each and every case because that's how vague

the guidelines are here. This bill shouldn't have gotten out of committee. It wouldn't if we had the full complement and it certainly shouldn't get out of here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. I, too, have some reluctance in rising but as the former minority spokesman of this committee, I feel compelled to. The problem here is that...however well-intentioned this bill is, it runs the danger of having the exact opposite effect because added to this language is reference of a preconceived plan, scheme or design to take a human life as well as cold and calculating. To a degree, it's like picking up an editorial from the National Enquirer and putting it in Chapter 38. I'm not so sure that this language will not have the opposite effect of what I'm sure the intention of the sponsor is, and for that reason, I would urge others not to support this and that perhaps, maybe it should be studied further rather than enacted by this Body. It...this is not what this Body wants to be about. Thank you, very much.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no further discussion, Senator Barkhausen may close.

SENATOR BARKHAUSEN:

Mr. President and members, let me just try to briefly address some of the points that have been raised...questions of the other members. Senator Sangmeister said and I don't...disagree with the...with the premise of his or...or Senator Marovitz' remarks that, yes, the Supreme Court and other courts in ruling on the constitutionality of death penalty Statutes and in applying them in specific cases need...need to have guidelines, and that is what we are proposing with this language which has been carefully crafted

and drawn for me, a Statute...a couple of different Statutes, the constitutionality of which has...have already been upheld when challenged on void for vagueness grounds. We have...in the existing Illinois Statute, we have a couple of other factors which bear some similarity to what we are proposing here or...or with which it might be useful to...to quickly compare them. We have, for example, the...the aggravating factor that a...a murder was committed pursuant to a...a plan for which the murderer is...is somehow being compensated, known as a contract killing, and what we envision with this particular factor is it's such a cold and calculated murder committed pursuant to a plan in order for the murder to potentially be...to be executed it should not necessarily have to be committing a killing in exchange for money. Also in response to the concern about vagueness, we have an...an...an existing factor which spells out that if the murdered individual was under twelve and the death resulted from exceptionally brutal or heinous behavior. Well, I would suggest that the language brutal or heinous behavior is not one which...which can be readily interpreted and identified in...every particular instance. I think our language in this proposed factor is much more specific than that. Senator Sangmeister suggested that just because the Florida court has...has upheld the constitutionality of the Florida Statute doesn't mean the Illinois Supreme Court would decide likewise with this language, and again, I would point out that its...Florida Statute was upheld not only in Florida but the U.S. Supreme Court by denying a review of that case implicitly upheld the constitutionality of that language, and I would suggest we do like so...likewise here. Finally, the question of whether this language if in the off chance it were held to be invalid would somehow jeopardize our existing Statute, the answer is definitely that it would not because in...in cases where courts have...have ruled that...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, would you bring your remarks to a close.

SENATOR BARKHAUSEN:

Yes, I will. In those situations where courts have ruled that certain aggravating factors are somehow unconstitutional or have otherwise been stricken, the courts have held that one invalid factor does not render invalid all of the remaining factors that we are seeking to...to add to our Statute without in...in any way jeopardizing our existing Illinois Death Penalty Statute. To those of you who believe that the Illinois Death Penalty Statute ought to be applied in...in more cases than it has been and are frustrated that those who commit the most heinous types of murder and the kind of murder described here are being maintained by the State at a rate of fifteen, twenty thousand dollars a year for the rest of their lives, I say that this is a remedy and I ask for your support of this measure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 632 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 36, the Nays are 14, 3 voting Present. Senate Bill 632 having received the constitutional majority is declared passed. For what purpose Senator Rock arise?

SENATOR ROCK:

Thank you, Mr. President. Just for purposes of an announcement. I've just, again, conferred with Senator Philip, as you'll note on the back page the Session Calendar, Monday, the 27th, is, in fact, Memorial Day, it's a holiday. We have determined that it would be in our best interest both...mentally and physically not to be here on Tuesday. So, there will be no Session on Tuesday, the 28th.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 637, Senator Fawell. Read the bill...for what purpose Senator Lemke arise?

SENATOR LEMKE:

If I would have been here on 632, I would have voted Aye, not No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. Senate Bill 637, Senator Fawell. Read the bill, Mr. Secretary. Senator Berman, for what purpose do you arise?

SENATOR BERMAN:

Just to keep the record open...even, I pushed the wrong button. If I had pushed the proper one, I would have been voted No on 632.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. Read the...read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 637.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. This bill was...I was asked to handle this bill by the Downstate Firefighters Association. Basically, what this bill does is allow a survivor's annuity in cases where a deceased firefighter was vested or in receipt of a reduced pension or deferring their pension provided that the member has made all the required contributions. This is done under...it provides for a widow's pension only in cases where the firefighter died in result of illness or accident or receiving the...based on twenty years of service or while...while in receipt of a disability pension, that's the present law. The widow will now

be eligible if there are some additional circumstances, such as the firefighter died after serving the vesting requirement which is ten years, the fire...and the firefighter died while in receipt of reduced pension barred on more than ten but less than twenty years, and the firefighter died while deferring their pension. This is done because the Retirement Equity Act was enacted last year and private pension...funds are required to provide survivor's benefit upon death of any employee with vested pension right. It's a very minor cost and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Sommer.

SENATOR SOMMER:

Mr. President and members, I was reading the report of the Economic and Fiscal Subcommittee on Pensions and it says here, "Approved with amendment to said survivor benefited fifty percent of pension rather than forty percent of salary of decedent." Where's the amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

...they...they never asked me for an amendment, tell you the truth. I...I'm not sure exactly what you're talking about...nobody every approached me about an amendment on this bill, they did on the next one which I put on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...further discussion? Senator Fawell, do you wish to close? Senator Fawell.

SENATOR FAWELL:

Well, this is a...a bill that has been asked for by our downstate firefighters. I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 637 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 57, the Nays are none, none voting Present. Senate Bill 637 having received the required constitutional majority is declared passed. 638, Senator Fawell. On the Order of Senate Bills 3rd Reading, Senate Bill 638. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 638.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This, too, was asked for by the Firefighters Association...Downstate. What it does, it does give a surviving spouse who became married after the retirement, the benefits...if they have been married to that spouse...surviving spouse for at least twelve months, which is the amendment that I was asked for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall Senate Bill 638 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 638 having received the required constitutional majority is declared passed. 639, Senator Dawson. On the Order of Senate Bills 3rd Reading is Senate Bill 639, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 639.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, 639 requires the Department of Aging in conducting its programs to avoid unnecessary institutionalization and to direct one-half or more of its community care contracts to non-for-profit organizations or their subsidiaries. It also requires DOA to provide technical assistance to ensure an adequate number of qualified proposals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Donahue.

SENATOR DONAHUE:

If you limit the Department on Aging to...have to have at least fifty percent of not-for-profit, doesn't that...couldn't that limit their ability to really get the...the...the most inexpensive price for their product or by the vendor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Would she please repeat that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

All right. If...if you have a fifty percent...you say you have to have at least fifty percent of the vendors be not-for-profit. You are limiting the department's ability to

find the...the most inexpensive vendor for the service that they provide, and I...I think that this is not really in the best service of the people we're trying to serve.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue, was that a question? All right, Senator Dawson.

SENATOR DAWSON:

Senator Donahue, it states here that they have to be qualified non-for-profit organizations and if they could not come up with the qualified ones and they exhausted all them, then they would be able to go to whoever they wish. The problem with this is that the for-profit organizations receive Federal funds for job training and their employees then are paid the minimum wages on their...and they're removed from paying the benefits on this job training program and this is one of the problems that the non-for-profit are having in competing with the for-profit organizations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Ladies and Gentlemen of the Senate, I rise in opposition to this bill. What we're trying to do is put into law that at least fifty percent of probably what is the best program in the nation to keep individuals...elderly individuals from being institutionalized is the home-care program that's already in place under the Department of Aging, and it's done very well by competitive bidding, both by...by people who are for-profit, who pay individuals, pay taxes to the State of Illinois and to their local community. A not-for-profit organization gets to be a competitive bid also. Now, if the not-for-profit organization is being run as it should, it should be able to underbid any for-profit bidder there is out there on the street 'cause they don't pay local taxes. Now, this is not, I think, a good thing for us to be

doing when we start putting limitations under the...competitive bidding process where the State gets the best service at the lowest cost, and I urge everyone to vote No on this bill which would hamstring a department which has got one of the premier programs in the nation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

...thank you, Mr. President and Senators. I think that what the Senator said is absolutely correct that...that this is a good agency and a good department. However, there is something skewed about what's going on and this is what's going on. I'd like your attention to this. What is happening is that the for-profits are coming in, both from out of State, very large institutions and are taking advantage of a subsidy at the same time not paying, not paying, the benefits that are required for the employees that they take. Many of these employees are former people who were on public aid and, goody, they're off public aid for the moment, but the minute they have an illness or any other kind of...of...of disaster, they're back on the public aid rolls. So, the question then becomes, do we pay on the front end or do we pay on the back end? The advantage that we have with the not-for-profits is that they're local institutions hiring local people with local care. So, if your concern is for local...people caring for local people, then I would suggest that you ought to vote for this bill. If, on the other hand, you're willing to say that, yes, we'll pay an underbid on the front end and then, and then, in the final analysis pay an exorbitant sum, both for the paper work schuffling or getting people back on the public aid rolls and the sums that they will collect on the...public aid rolls and add to that the kind of...turnover that's involved, it seems to me then that the logical conclusion to draw is that, yes, we will take the

local operation; yes, we will pay them prevailing wage to keep people off the public aid rolls and to keep that...element of dependency down. I urge an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. I would just echo the words of Senator Newhouse. We have within this State a family of social service agencies, agencies like Catholic Charities, Lutheran Social Services. We know they're here to stay. We know they're committed to us. One of the recent contracts in question went out to a British firm. They're going to come in here, they're going...in the...in the short-run, as Senator Newhouse says, undercut our own social service agencies and the history is, if you look at other states where this has happened, they're good for two or three years and then their services start...start to falter. If we want to really stick with our own local people because we know they give us good service, I think this is a good bill. This is precisely the way to ensure quality care here in Illinois and because it's a fifty percent split, we still have opportunities for outsiders to come in, but if we leave this up to the present system within the Department of Aging, I'm afraid we're going to run...Lutheran Social Services and Catholic Charities right out of business, and that's going to do nothing but hurt our people. This is a good bill. I'd ask...the Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

..thank you, Mr. President. I also rise in support of this bill. Senator Davidson said that we have a good agency that has run good programs. I agree with him, but the reason

that that's been a good agency and has run good programs is because the not-for-profit organizations, like the Catholic Conference, like the Lutheran Social Services, like the Council for Jewish Elderly, have been there and have made that kind of admirable record. Now, with contracts being let, these reliable performing agencies are being shunted aside because for-profits are coming in and undercutting through hiring second-class persons to...to think that they can deliver first-class services. It won't happen. All we're requiring by this bill is a basis of comparison. We're not saying do away with the for-profits. We're not saying give it only exclusively to the not-for-profits. We're saying let them both participate and see if you can get a better quality...of service for less money. I doubt it, but let's give them a chance. That's the purpose of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I, too, rise in support of this bill. We have community services which has been going for twenty-five years in our county, which has constantly been underbid by other county organizations. Our people are...have not been served as well by these other agencies. I have personally received complaints from our senior citizens. I think it's about time we not only start to look at some...at prices but also quality of the service that is offered, and I would suggest a strong Yes for this vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in support of this legislation and as Senator Kustra and now Senator Fawell both have said, there is a stronger issue than merely these contracts that is out

there. We call upon these charities, Lutheran Services, the Catholic Conference, Jewish Services and others, to provide all kinds of services to the eleven and a half million people of Illinois without compensation. We expect them to be our safety net for those who fall between the cracks. We expect them from charitable contributions only to provide counseling, guidance, help and assistance for which they receive nothing; and yet, when there is the opportunity to fund them only in part for all that they are providing, we find State agencies saying, no, that we won't give them those funds for that small part of their budget that they are individually eligible for. That's the wrong way for government to go. It doesn't even make economic sense, because if we had to start picking up the bill for that which they are providing without charge to the citizens of Illinois, we could never afford it. This is an obvious good step in the right direction and I would urge support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Last year we passed the bill forcing a set-aside for female and minority suppliers. How...how does it affect that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

END OF REEL

REEL #4

SENATOR DAWSON:

This does not pertain to that, Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

Why, I think it does, Senator Dawson because if I remember the legislation correctly, it applies to all agencies of government, to set aside a portion of their contracts for females and minorities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

This, Senator DeAngelis, is for profit or non-for-profit and whatever their makeup might be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Dawson, the makeup could conceivably be female or minorities. That...is that a twofer? I mean, does it count as part of the set-aside? It's a twofer? I mean, you're...you're...you're now setting aside fifty percent. There's another part of the law that says you got to set aside a certain percentage for female and minority. We might get up to a high enough percentage where nobody is going to be able to do anything 'cause you're all locked in.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

This piece of legislation, Senator DeAngelis, is at...for the profit and not-for-profit, and whatever other existing laws that would be pertaining to this here would be worked

out between the fifty percent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I...I think it's going to impede the process 'cause it's...you're going to have to distinguish whether this is going to be a cumulative total or, in fact, it could be part of that total, and it could be cleared up in the House. But I do want to comment...the largest, single problem the Department of Aging has had, and Senator Kelly can verify this, is with a not-for-profit agency in the south suburban area where the executive director...cannot be found after about a year and a half. The money was squandered away. I...I...you know, I really think you have to have responsible suppliers first, and I'm not suggesting in any way that not-for-profit people are irresponsible, but I think we have to watch what we're doing when we contract out with people rather than just give it to them because they happen to be of a particular group.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I stand in support of this legislation because...many of our agencies...across our city and especially in our community are in dire need of this type of assistance. It would encourage the people who are working in these institutions to carry on and to continue their work. I think that this is a good piece of legislation and I think that we should support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dawson may close.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate.

Senator DeAngelis, we will address that over in the House after this passes out, I hope. But, this is a bill for the people of the State of Illinois putting...keeping our people working and not have an outside...contractors come in, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 639 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Take...take the record. On that question, the Ayes are 53, the Nays are 5, 1 voting Present. Senate Bill 639 having received the required constitutional majority is declared passed. The point is well made...that it took us a half an hour for a bill that got...received 53 affirmative votes...Senate Bill 640, Senator Jerome Joyce. On the Order of Senate Bills 3rd Reading is Senate Bill 640, Mr. Secretary, please read...read the bill.

SECRETARY:

Senate...Senate Bill 640.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This bill has been suggested to establish higher milk solid content requirements. Such changes are basically pro-consumer oriented in the sense that they would guarantee higher quality milk products from milk, skim milk and fat free milk. Higher milk solids would mean a higher protein content, more body and better flavor, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 640, and at the outset let me suggest to you that the other day when we placed an amendment on this bill, I inadvertently read from the wrong analysis and the...the...comments that I made on the amendment were in error. Let me suggest to you that the amendment removed the original bill's four requirements for inspections performed every six months and allowed the fee...and penalty section to stay in place. I want to make that point for the record. Seldom do we have an opportunity to vote on legislation that increases the value of a product to the consumer and this does that. With respect to milk, it...increases the nutritional value by something around the...the neighborhood of twenty percent. And, yes, it would be a very slight increase in cost. But the cost benefit of this legislation is extremely good. And I would urge the Body to take a good look at this bill and vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Joyce may close.

SENATOR JEROME JOYCE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 640 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 54, the Nays are 4, 1 voting Present. Senate Bill 640 having received the required constitutional majority is declared passed. 644, Senator Barkhausen. On the Order of Senate Bills 3rd Reading is Senate Bill 644, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 644.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 644 attempts to expand somewhat the rights of witnesses under the Crime Victims' Witness Assistance Act that has attracted quite a bit of attention and has been...expanded by the General Assembly recently to allow witnesses who testify in court to be compensated for their services up to a maximum of fifty dollars a day after they have exhausted all other resources. For those who testify in court and who lose wages, they can recover up to a maximum of that amount...fifty dollars, that is, after having deducted from that for which they would qualify having deducted the per diem fee that they automatically qualify for by being witnesses. It...it extends to witnesses the same rights in this regard...currently available to victims under the Assistance Act. As we all know, it's often an obstacle to the effect of prosecution of a case that...the witnesses who are necessary to proceed in a prosecution are...are not available and don't show up oftentimes because they feel they can't afford to. This is an attempt to overcome that obstacle. I think it's a necessary and desirable expansion of the existing Act and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Before we get into discussion, the...the Chair observes that we have a very distinguished visitor with us today, one of my constituents but more importantly the mother of Senator Frank Watson who is sitting in the gallery on the Democratic side. If...if Mrs. Watson and her friends would rise from...Bond County and

please be recognized by the Senate. Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I'd like to make a mention that my mother is also president of the Greenville Library Board and I'm a sponsor of Senate Bill 1250 which I Tabled yesterday. I'm back in the good graces in the family now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We understand why. All right. Senate Bill 444, the...discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, this...this bill which came before our committee...there were...there were some reservations raised. The concept is very good and I think it's laudable, but I think we have to take a look at what the ramifications are. First of all, the money that is used to pay these witnesses will come out of the limited dollars that are available to compensate the victims of violent crime. We...we appropriate every year x dollars, I think our last appropriation was about two million dollars, for the victims of violent crime to pay for their lost earnings, to pay for their medical and hospital expenses which are out-of-pocket not insured. This...these dollars to pay witnesses will come out of those monies that are...that are appropriated by the General Assembly to pay for the victims. And so there will be less dollars available for the actual victim of the crime, and while the idea is laudable, it's...it's...it's really going to have a terrible impact. The...the law today says that these witnesses will get twenty dollars...a twenty dollar fee paid by the county. Today, they get a twenty dollar fee paid by the county. This means they will get...I think it's thirty dollars or maybe it's fifty dollars...Senator Barkhausen can...can correct me...over and above that. First of all, what I would like to

know is what is the economic impact? How much is going to be paid to witnesses under this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...

SENATOR MAROVITZ:

I'm not through, but I have a question for...so...I...I...maybe that's...that is a question, maybe the sponsor could answer. What...how much will be paid to witnesses under this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Marovitz if you don't object, Michael Jackson of WLS-TV has requested permission to film from the gallery. Is leave granted? Leave is granted. Senator Barkhausen.

SENATOR BARKHAUSEN:

The victim would get a...a maximum of thirty dollars, as you suggested, Senator Marovitz, if...if he or she qualified.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

What I want to know is what...what will the total economic impact be...on...on the funds available? I understand it's thirty dollars. What is the total economic impact?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It's...I grant you that that's a little bit hard to determine. We have all along asked this question of the Attorney General's Office and they point to the number of arrests that are made per year, but you can take the number of arrests and...and reduce that by the number of people who would be qualifying because they're losing wages as a result of having to testify in court and...and reduce that amount further because they have other sources coming in in addition

to the per diem fee or for other reasons would not qualify for this assistance. So it's, you know, it's hard to say, it might be a few hundred thousand dollars but that's...that's a pretty wild stab in the dark.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I...I, too, questioned the Attorney General in his office and he says that in order to investigate whether these witness claims were in fact legitimate, whether they were needed, whether the witness actually testified, they would have to hire fourteen more people to find out whether all these witnesses were, in fact, needed. So now we're...we're...we're...we're going to be hiring more people and I suppose that's fine if you want patronage. But we're going to be hiring more people, paying witnesses and, again, having less dollars available for the victims of the crime. And who's going...who's going to determine whether they get paid? It's going to be done by the Court of Claims instead of by the forum where the witness actually testified...by the circuit court. They're the ones who could certainly...legitimize whether the fee was due or not, not the Court of Claims. We're talking about a lot of bureaucracy, a lot of extra work, a lot of money not going to victims, it's going to be done by the Court of Claims instead by the...by the court where, in fact, the witness testified. And I...and reluctantly...the...the the spokesman on Judiciary II and I have agreed on most everything all Session long, this is one of those cases where we disagree and where I think the victims of crime will truly suffer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise also in opposition with

some reluctance because I think the...the idea possibly of compensating witnesses is one that we don't have too much quarrel with, but again, it is the way in which it is being done here. And I would say also the fact that there is not...there aren't sufficient standards as to how the compensation should be done. As I think Senator Barkhausen acknowledges, there already is provision for a...every witness for the prosecution in a criminal trial to be paid by the county twenty dollars a day. Admittedly, that does not necessarily compensate for loss of wages but at least that is a beginning. The real problem is what this would do to the Crime Victims' Compensation Fund and I think that is...just makes it impossible for this bill to pass as it is. The amount of money that is available...State money that is available in that fund right now is about 3.2 million; that is, subject to appropriation. This bill could conceivably cost as much as about three and a half million depending on how you compute the amount that is to be paid to the witnesses and, of course, in the end, how many witnesses there are. It seems to me that what it does is it really totally shifts the purpose and reason for the Crime Victims' Compensation Act and Fund. It is for the victims. The primary call on the funds and the primary call on those who administer the funds should be on behalf of victims. There are other ways in which we can address further compensation of witnesses if that is your primary...desire. For example, it might be possible simply to include an additional line item in the Court of Claims Act through which the crime victims' compensation runs specifically for compensating witnesses, and there might or might not be additional standards built in which I think probably would be desirable, but that is an alternative. It might be possible to include in the appropriation for the administrative office of the courts an additional line item for compensating witnesses in this partic-

ular kind of circumstance. There are options to achieve some of your purpose, Senator Barkhausen. The problem is that you are taking something to which the General Assembly has been very committed, the Crime Victims' Compensation Act and its Fund, and you are turning it upside down, albeit perhaps not intentionally, and using it for a purpose for which it was not intended. It would exhaust the fund, it would exhaust the employees and I think would really exhaust that purpose. For that reason, I oppose Senate Bill 644.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lemke.

SENATOR LEMKE:

This proposal would encourage witnesses to come forth and testify at trials of felons, Senator Barkhausen?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

I rise in support of this. The greatest compensation, Senator Maragos and Senator Netsch, for a crime victim is the felon in jail. They could care less about the hundred dollars for their medical bills. I'm telling you right now, it's always great to hear the liberals talk about putting out a dollar here and a dollar here to compensate somebody...and let the felon run the streets and kill some more people or hit some more people over the head. This is a good bill. If this is going to encourage witnesses to testify and we're going to compensate them...okay, then the cases aren't going to kept continuing by these sharp lawyers so these witnesses don't show up, and when they don't show up, then they dismiss the case. Now we're talking about this very simple thing.

The greatest thing you can give to a victim of crime is putting the criminal in jail. And it's a good bill and I rise in support of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Keats.

SENATOR KEATS:

I thank you, Mr. President. All you guys who are on...on the side of crime, we're getting tired of this lip. In the war on crime, you liberals are on crime's side. You know, there is a legitimate problem here that could solve this. You know these judges who are forever throwing in continuances and leave people sitting all day, if some of the judges would show a little concern for a few of the witnesses and a few of the victims. You know, I had in a bill that dealt with continuances this year that said you can't grant continuances unless you give the courtesy to the victim and to the witnesses to let them know there are continuances. You don't have a guy like in one case where...where we had to be in court one day...we had a guy drive forty-five miles to come in to be a witness for this injured person and they had already decided in advance there would be a continuance. The other guy's lawyer never even showed up, this guy lost a full day's wages at the CTA 'cause he's trying to be a decent person. Hey, if you liberals would get on our side while we're trying to get rid of these bums and get the judges to cut out the continuances, we'd be able to solve this problem. Now go back to that prison and talk to all your liberal friends.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen may close.

SENATOR BARKHAUSEN:

Let me...let me just quickly respond to a couple of points. I don't know that the debate has anything to do with liberalism and conservatism, I think the debate has

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been...been pretty well cast. But what the Acts that are on the books are attempting to do are to assist witnesses as well as victims. And I'm simply suggesting that we are not doing enough for witnesses, that...the effect of prosecution of crimes is frustrated by the inability of witnesses to testify because of their loss of money and that we ought to be doing as much for witnesses who are in many cases or most cases the witnesses are the victims themselves. And so we are by this proposal trying to help the victims as well as the witnesses and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 644 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 46, the Nays are 9, 1 voting Present. Senate Bill 644 having received the required constitutional majority is declared passed. Senator...645, Senator Barkhausen. On the Order of Senate Bills 3rd Reading is Senate Bill 645, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 645.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, let me first apologize to my colleagues for the fact that I filed most of my bills at once. So, don't worry, I'm going to get just as tired of listening to my voice as you are. This one I think is a little less controversial. Senate Bill 645 is...in its original form sought to expand the provision in the Criminal Victims' Escrow Account Act that forbids one who has been convicted of a

crime for profiting from proceeds about publicity at least to the extent but, up to this point, only to the extent that the victim is allowed to make a claim against those proceeds for any losses resulting from the crime. But the original Act...or the original bill expanded to the point that we were adding to convictions those who have been...found not guilty by reason of insanity and also those found guilty but mentally ill. The bill has since been amended twice...just yesterday. Amendment No. 1, Senator Bloom and Sangmeister and myself, would forever prohibit a convicted criminal from profiting from proceeds. And Amendment No. 2 creates a lien mechanism whereby the State is given a lien which can be enforced by the Attorney General to make a claim against any proceeds, as I say, resulting from publicity about a crime. It's...it's meant to apply, of course, to all convicted criminals. It's gotten probably more attention than it otherwise would or perhaps should because of the...of the Dotson case. I might mention that while this could apply to...to Mr. Dotson, it would really in no way apply to Ms. Webb because if she wants to go out and write her story entitled "The Trials and Tribulations of Kathleen Crowell Webb," there is nothing we can constitutionally do and nothing that this Act would do to prevent her from garnering whatever profits she might by engaging in that kind of publicity. Be happy to answer any questions, otherwise, would ask for passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Yeah, I have a...a question and also a comment. I think this is also a very laudable bill, but...but there's a portion of this bill that says, "After a judgment,"...the law today is, after a judgment the victim has two years to make a claim on this money. By this bill we're reducing that time

to one year. So that the victim...we're now taking away more rights from the victim and saying, if you're...if...if you're...if the crime...the...the individual who perpetrated the crime profits from it, the victim today has two years if he's got a judgment to get the...to get the fruits of that...of that...of the book or whatever. Now we're reducing that to only one year, so we're giving the victim less chance to get dollars that he's been awarded against the perpetrator of the crime. A...a good bill but why are we reducing the time period when the victim can...can get his money? That seems to be the exact opposite of what we should be doing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I think the best...the best answer, Senator Marovitz, is that the victim will have one year from the time that any money accruing to the criminal as a result of publicity...that...from the time that that money goes into the State Treasury, the victim will have one year from that date which will be far beyond...far longer than one year after the time that the criminal was actually convicted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Today, he has two years after the escrow account is established...today. So you are reducing the time the victim can get his money to one year after that escrow period rather than two. I don't know why you would want to infringe upon the victim's rights to get his money back after a court judgment from the perpetrator of the crime.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

...that action was taken, I don't know whether Sena-

tor...Senator Bloom I see has his light on, he may want to answer that question. My...my own feeling is that the victim is going to have more than adequate notice in the very rare case when, in fact, publicity does result from a crime the...the victim is going to have more than adequate notice, and certainly one year from the time the money is actually turned over to the State Treasury would seem to be more than adequate. I think for those who put this amendment together, and Senator Bloom can best speak to it, I think the original proposal was six months and this is one year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President, fellow Senators. I...I didn't realize that the fate of the western world was hanging on Senate Bill 645. If, indeed, it...it was felt that in those cases where there is a lot of publicity and Hollywood comes calling and saying we will give you megabucks for the right to your story, that the victim would have adequate notice in which time to file his claim, and actually, the amendment was addressing the issue of where the felon is still convicted and the victim says, I aren't a victim. And the feeling was that then any monies accruing therefrom should go into the Crime Victims' Compensation Fund. And if, indeed, Senator Marovitz feels strongly about letting it be two years...put an amendment on in the House...if it's...but the fate of the western world is not hanging on this bill. It's...opinion...my amendment was to try and address a glitch in the Crime Criminal Victims' Escrow Account Act where the victim says, I'm not a victim. It's that simple. Don't see any problem with this that can't be remedied in the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz, you wish to speak for a...Senator Barkhausen, you wish to close? Senator

Barkhausen.

SENATOR BARKHAUSEN:

Just to make the simple point that...all of this money is eventually going to be going into the Crime Victims' Assistance Fund rather than to the criminal himself or herself. So one way or the other, victims are going to be assisted, and for that reason, I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 645 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? Senator Savickas. Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 5, 1 voting Present. Senate Bill 645 having received the required constitutional majority is declared passed. 646, Senator Barkhausen. On the order of Senate Bills 3rd Reading is Senate Bill 646, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 646.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 646 does a couple of things. It adds to our Criminal Code a new crime of theft by dealing in stolen property and creates a new business offense of possession of altered property. This bill is...was significantly amended yesterday to take out all of the civil provisions which were objected to by some of the business organizations that felt that they could fall prey to the...overzealous prosecution under this legislation. It also...the amendment added narcotics or...extended the profit

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forfeiture provisions of the Narcotics Profit Forfeiture Act so that all profits gained by those who are convicted of this particular offense would...would be forfeited to the State. I have responded to I...I thought the amendments that had been made had...had cleared up all of the objections to the bill. But in addition, there has been some concern about the provisions in the bill that would...create an inference or even a presumption of guilt...if certain...certain prima facie case can be established for...possession of stolen property, and I have agreed to take out those two sections of the bill dealing with prima facie evidence and Senator D'Arco and I have had a conversation and we will certainly agree to do that before this bill is even considered by a...a committee in the House. I would...I would do that today except for the...the place that the bill is on the...on the Calendar and because of the press of business. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any...any discussion? Any discussion? The question is, shall Senate Bill 646 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, 2 voting Present. Senate Bill 646 having received the required constitutional majority is declared passed. 648. Senate bills 3rd reading is Senate Bill 648, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 648.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 648 expands the definition of prostitution to cover certain other sexual acts. I'm a little bit bashful so I'm hesitant to go into all of them, but...but certain sexual acts in addition to sexual intercourse that are engaged in for profit or for money. We have a situation in our county of Lake, I know the representative of the Cook County State's Attorney's Office also appeared in support of this bill that would enable prosecutors to go after places of...prostitution more broadly defined where health spas and nudie bars in one sort of...one sort of joint or another are in actuality certain...certain types of houses of prostitution. It will enable our prosecutors to try to clean up this type of activity and to...and to get these undesirable operations out of our counties and out of our State. It...it also amends the public nuisance provisions of the Criminal...Criminal Code to declare that any activities which fit the definition of obscenity would be nuisance per se to also facilitate prosecution of these types of activities. Be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, this is a...a very difficult bill to arise and...and talk about but, you know, for time immemorial in the State of Illinois we've had a definition of what prostitution is all about. And now as I look at the bill here we have underlined that this is going to constitute prostitution, and again, even the sponsor doesn't want to talk about his own language, that's how...Geo, this is really a pornographic bill, you ought to be paying attention. Prostitution is now being expanded...prostitution is now being expanded to cover "Or any other act involving the touching or fondling of the sex organs, anus or breasts of one person or another." Now

think about that for awhile, if you will. That...that's going to amount to prostitution? You know, I...I really think that we're going a little bit above and beyond...I...I never understood, Senator Barkhausen, where you're coming from on this, but...I believe that that is a little bit beyond what we've all thought prostitution has been and I...as...as difficult it is to...to speak against such great bills, I think you better take a good look at this one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well,...this is the feel for fee bill, I think. It really...I wonder if we should be getting into these areas with so many other really important bills up. But as Senator Sangmeister said, the definition of prostitution is as old as anything else that we ever deal with, and why we have to "tinker" with it, excuse that phraseology...and...and get into things that really...nobody...nobody believes is prostitution is beyond me. I mean, each one of us, if you take a look at this language, can think of situations that are innocent situations or certainly not situations where somebody should be charged with prostitution. And...and basically what we're doing is we're really diminishing the charge of prostitution and I don't think that's what we want to do. This is really...goes way, way, way beyond what we want to do. And again, it passed out of committee, it was, I think, the last bill that passed out of committee. We probably had just a...a few people left in committee and...and I would say that we all ought to vote Present on this legislation 'cause it really doesn't, it...it doesn't belong on the books and it's not going to be on the books 'cause I know over in the House they're going to kill it, but why don't we do our job here and kill it here first.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

In essence, what your bill does, and correct me if I'm wrong, is make it a nuisance if any act of prosecution...if...prostitution that you described is committed, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR GEO-KARIS:

Explain it for me just...in one sentence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Moment...Senator Barkhausen.

SENATOR BARKHAUSEN:

That's correct, if it's prostitution or if it's an act of obscenity it would fall within the public nuisance provisions of the Criminal Code.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate. Some of you think we're tinkering with prostitution. Some of you might think it's pleasure. Some of you might think that we shouldn't be here talking about it. But you know, try and...and...and complete a charge against someone who is involved, as Senator Barkhausen has recited, and see how far you can get. I think it's a good bill. I think it's trying to clear up and clean up some of the perverted morals that we have with some of these book stores and what have you...and...and I think it's high time that...we're not

trying to be censoring but I think we are trying to be a little more careful and I think the bill has some good basis. All it does is expand the definition of prostitution...to...to a public nuisance, and it is a public nuisance, so is solicitation for prostitution, take your choice, they're both just as bad. I speak for the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR JEREMIAH JOYCE:

Well,...I...I...we...this...a bunch of kids up in this place, that's all right, never mind...forget it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Yes, thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Karpziel.

SENATOR KARPIEL:

Senator Barkhausen,...not being an attorney, I don't quite understand the public nuisance provision here. How are we expanding that...that provision to...perhaps aid in a way of getting rid of some of these porno shops that we might have in our area?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

...attempting to make it easier for state's attorneys to proceed against...operations that can be categorized as obscene acts or which engage in child pornography so that by describing them in this Statute as automatically or per se a public nuisance so that the state's attorneys can go into court to seek to abate those...those facilities and operations as public nuisances.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpriel.

SENATOR KARPIEL:

Well, in that...in that context what does abate mean, close them down?...close them down? Are we talking about shops that sell adult movies and books and paraphernalia, et cetera?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Anything that under the Criminal Code could be defined as being obscene or would come under the child pornography provisions of the Criminal Code would...would be...a potential target under this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall. All right. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator Geo-Karis, just to clarify one thing. It is true that there is a provision in the bill which adds to the definition of maintaining a public nuisance, but it seems to me that is not the thrust of the bill and that is not what Senator Sangmeister and Senator Marovitz were...were concerned about. It is a redefinition of prostitution and if you look at the definition which Senator Sangmeister read, it...it opens the world and I think it does, in fact, diminish what is something quite legitimate to go after and that is literally prostitution. But this means that almost anything could...could be defined as prostitution, and that means that you are going to get more and more disrespect for the law and less and less effective enforcement of that which is legitimately prostitution. It seems to me that is the point that Senator Sangmeister was making, not so much...just added something to the definition of public

nuisance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen my close.

SENATOR BARKHAUSEN:

Mr. President and members, I should have first asked the Chair before this debate began whether this is in any way being filmed on cable TV. But to...being assured that it isn't, I wouldn't want to fall prey to the new provisions under Senate Bill 617. Let me simply make the point that what we're talking about here, broadly speaking, is sexual gratification for money. And I know we have in Lake County, I'm sure many of you have within your districts, certain facilities, be they health spas or whatever they may front as, they are actually in one way or another offering certain types of sexual acts in exchange for money. We are no way seeking to diminish in importance the traditional common law crime of prostitution; we are simply saying that we are looking for a way that our prosecutors can...can really clean up our neighborhoods, can get rid of the operations that carry on with this type of sexual activity for money that really diminishes the quality of life in the area around us. For that reason, I ask for your support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 648 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 2,...12...15 voting Present. Senate Bill 648 having received the required constitutional majority is declared passed. Senator...Bloom, for what purpose do you arise?

SENATOR BLOOM:

Thank you, Mr. President. That bill we just passed would prohibit Senator Rigney from dancing with a tall woman.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...we're certainly going to look forward to that. On the page...page 14...Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I'm being bothered by Senator Dawn Netsch. I always pat her on her fanny every time she goes by, and now she tells me that I will be committing a crime since I voted Aye on this past bill. And I want the record to know that I'm not going to pat her anymore.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...all right. On the...on...page 14...oh, Senator...Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Good.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of Senate Bills 3rd Reading is Senate Bill 651, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 651.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, one more and then I'll be quiet for awhile. This...this bill was on the Agreed Bill List initially only to be taken off to be put on this agreed amendment. This is the so-called felony DUI bill which will permit prosecutors to charge commission of a felony where...where drunk drivers...the actions of drunk drivers have resulted in great bodily harm to a victim, which is language borrowed from the aggravated battery section of the

Criminal Code. I would urge passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator...Senator Kelly. Can we break up the caucus by Senator Kelly.

SENATOR KELLY:

Yes, I'd like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Kelly.

SENATOR KELLY:

Senator Barkhausen, what is the penalty currently? Is there any penalty presently and what is it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Be a Class A misdemeanor and this would permit a prosecutor to charge a Class 4 felony.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Kelly.

SENATOR KELLY:

Well, I just want to say I'm very much in support of this bill and congratulate Senator Barkhausen on sponsoring it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill 651 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 58, the Nays are none, none voting Present. Senate Bill 651 having received the required constitutional majority is declared passed. 653, Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 653, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 653.

(Secretary reads title of bill)

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3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. Senate Bill 653 was on the Agreed Bill List and it was merely taken off because of a technical...amendment. And so with that, I would ask for the adoption of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 653 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 653 having received the required constitutional majority is declared passed. 658, Senator Netsch. On...on the Order of Senate Bills 3rd Reading is Senate Bill 658, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 658.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As amended, Senate Bill 658 is an amendment to the Environmental Protection Act to establish a fee program that will cover the cost of permitting and inspecting companies which discharge air pollution. Again, as amended, the fee schedule provides for sources emitting twenty-five tons or more, a...an annual fee of two hundred and fifty dollars; for sources emitting less than twenty-five tons, an annual fee of seventy-five dollars. The Federal

Clean Air Act of 1977, Section 110 A to K required that every State develop a permit fee program. Illinois has not yet done so and this is really our first legislative compliance with that mandate. The...as amended, the bill which was originally proposed by the Health and Medicine Policy Research Group also had the support of the State Chamber of Commerce which recognized that this was something that needed to be done, thought our proposed fee schedule was reasonable and was willing to sign in in support of the bill. I...at the moment, I know of no opposition and would solicit your support of Senate Bill 658.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 658 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 41, the Nays are 16, none voting Present. Senate Bill 658 having received the required constitutional majority is declared passed. 659, Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 659, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 659.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Jones.

SENATOR JONES:

Yes, thank...thank you, Mr. President and members of the Senate. Senate Bill 659...is a bill to clean up a technical flaw that existed when we passed Senate Bill 1746 and this relates to the distribution of Chapter I funds to the attendance centers in the Chicago Public Schools. And what this

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bill does is...requires those funds be distributed based on the eligible to receive rather than receive...receipt of free lunches in the school system. And I move for its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 659 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. Senate Bill 659 having received the required constitutional majority is declared passed. 660, Senator Lechowicz. On the Order of Senate Bills 3rd reading is Senate Bill 660, Mr. Secretary, please read the bill.

SECRETARY:

Senate Bill 660.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 660 would expand the permissive authorization for industrial development property tax abatement to include commercial development as well. Basically in 1982, in Logan County the state's attorney of Logan County asked for a interpretation from the Attorney General's Office whether this type of tax credit would be available to an insurance company moving into the county, and at that time Ty Fahner stated that it was just for industrial purposes and the insurance company would not receive it as tax credit. Under Senate Bill 660 that type of tax credit would be granted for commercial property as well. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not,...Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor. Senator, the...we...are we talking about the tax abatement law that would allow a county or local governments to...abate taxes? And if so, to what business organizations are you expanding that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

The answer to your question is, yes, we are and basically what we're doing...the industrial development eligible for such tax...abatements would include the following criteria: they must locate within the taxing district during the...prior Calendar year from another state or territory, it would also be a newly created within the State during a prior Calendar year, it also expands a previously existing facility. The abatement cannot exceed a ten-year period nor can the aggregate amount of abated taxes exceed one million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, my question went more to the kind of business. Will...will this tax abatement now be available to all kinds of business? You mentioned an insurance company, but will it be available, for example, for shopping malls...other retail merchants, almost any kind of business as opposed to what we had before which was only industrial business?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Let me just...let me just give you the opinion that was

given to me that Ty Fahner wrote. And I'll quote, "It is my opinion that the term industrial firm when given its ordinary and commonly understood meaning, it is intended to mean those enterprises utilizing labor and engaging in industrial activities such as production, manufacture or assembly of goods or other products. It does not include businesses colloquially referred to as industries such as the banking industry or the insurance industry." Under this bill it would include both of those categories.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Our staff just pointed out to me that...that...in their opinion this bill expands the tax abatement provision to any commercial enterprise, so...and I don't know that that's bad, I simply think we ought to understand what we're doing here that we're expanding a provision that has been allowable only for industrial expansion to...apparently all kinds of expansion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rupp.

SENATOR RUPP:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rupp.

SENATOR RUPP:

...the concern...the concern I have is with the word, "expansion." It will be granted in case there is an expansion. Is there any minimum requirements for what has to be done, how big, how much of a...instead of just moving a window from here to there or adding ten feet on?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Every unit of local government will make that determination on their own. And...in my area, I've found where people wanted to expand their existing facility and unfortunately because of the tax that we have in Cook County as far as...bringing that property right on line, they've moved to other states where they were going to grant a favorable tax abatement in...on commercial property. And I...I think it's up...it's a local decision; in the County of Cook it would be approved by the county board or in the City of Chicago it would be by the city council. Same would be...available to you in your county.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Well, my concern was, Mr. President, that there might be some abuses just by use of a token expansion thing, and I was wondering if there are any minimums or anything like that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

That's up to the local unit...of government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz may close.

SENATOR LECHOWICZ:

Thank you, Mr. President. I think the situation is very clear and basically what we're doing is clarifying in a...an opinion by the former Attorney General in granting that, yes, the State of Illinois is important in trying to promote and bring industry into this State; and, yes, it is important that we try to promote the expansion of existing industry in this State, and for this reason, I believe this bill merits your total support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 660 pass. Those in

favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. Senate Bill 660 having received the required constitutional majority is declared passed. 662, Senator Jerome Joyce. On the Order of Senate Bills 3rd Reading is Senate Bill 662, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 662.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This provides that any person owning a solar energy system may apply to the Department of Energy and Natural Resources for a refund of twenty percent but not more than a thousand dollars of the total cost of the design. Also it says that this must be in...you must be putting in the system now, it will not pay for one that is already put in. And it also says that...this money will come from the Department of Energy and Natural Resources and it shall be money that has been on a...a appropriated or a grant to that agency. So I would be happy to answer any questions if there are any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator Joyce, do you...is there an estimate as to the

cost of the implementation of this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. It would depend on the appropriation, if there is one...there...that's the only way it can be...expended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

That was going to be my...my next question, Senator. Is there an appropriation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce...oh, Senator Etheredge.

SENATOR ETHEREDGE:

Will...will there be an appropriation to fund this program?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce may respond.

SENATOR JEROME JOYCE:

I don't think this year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Joyce may close.

SENATOR JEROME JOYCE:

I'd ask for the...a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 662 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 55, the Nays are 1, none voting Present. Senate Bill 662 having received the required constitutional majority is declared passed.

*SB 665
3rd reading*

665, Senator Lechowicz. On the Order of Senate Bills 3rd Reading is Senate Bill 665, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 665.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 665 is the expansion of the enterprise zone legislation which we passed out of this Body three years ago. And basically what 665 as amended...which was also reviewed in the Revenue Committee and worked on by both staffs and also with the...with DCCA, Department of Commerce and Community Affairs, would do would...would authorize a partnership in Subchapter S Corporations to participate in investment credit. It would provide a carryover of the enterprise zone investment credit and job tax credit. It would exempt from these taxes transactions involving sales of building and construction materials for use in real estate located within an enterprise zone. It would also repeal the section of the Retail Occupation Tax requiring retailers of these materials to pay the tax prior to claiming a refund or credit. And it authorizes the State and any municipality which imposes utility taxes to exempt from such tax upon majority vote businesses, enterprises located in an enterprise zone and the municipality territory of the business enterprise as...designated by DCCA. And it will permit...permit DCCA in 1985 to award twelve new enterprise zones rather than the eight which they currently are allowed by law. Be more than happy to answer any questions. Also ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Etheredge. Can we have some order, please.

SENATOR ETHEREDGE:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. I think generally the...the provisions that are contained with...within this legislation are...are fine. There is a concern that I would like to...to put on the record, however, and there...and that is that we're setting a precedent by providing an exemption from these taxes, and providing the exemption makes it difficult for the Department of Revenue to...to track the...the taxes that otherwise would have...been collected had this exemption not...not have been in place. I think...generally the department has expressed a desire for a refund rather than an exemption. I just wanted to point that out that there is a precedent being set here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Lechowicz may close.

SENATOR LECHOWICZ:

Let me just point out to the previous speaker, that's...that DCCA requested the changes and we brought the bill back from 3rd reading on a...one...one...one of those special Calendars where...and put on the DCCA amendment with one of the exemption rather than the grant. Let me just also point out that...to the membership of this Body, this is a work byproduct of DCCA...Revenue Committee and both staffs, and probably will be the most important piece of legislation that we have since the enterprise zone legislation was originally introduced. If you really want industry to expand in this State and remain in this State, you will strongly support the provisions of 665 and work with DCCA as they have been trying to do with the implementation of 665 in trying to promote active participation expansion of industry in this State. I strongly recommend 665 for your favorable consider-

ation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 665 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 59, the Nay...59...the Nays are none, none voting Present. Senate Bill 665 having received the required constitutional majority is declared passed. 670, Senator Dawson. On the Order of Senate Bills 3rd Reading is Senate Bill 670, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 670.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, this authorizes the director of the Department of Labor to enforce and administer the Act. The Department of Labor proposed this bill because of the large number of complaints the department received about violations of this Act and their inability to respond to those complaints without proper statutory authority. The Department of Labor estimates that the duties outlined in this bill can be carried out by the already existing Labor Law Enforcement Division with the additional staff person, preferably one attorney, which would be needed to carry out the added duties. And I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is one of those bills

that was passed out of committee on an attendance roll call, but upon taking another look at it...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, pardon me for just one moment. There are...there are...there is a class waving to Senator Degnan in the gallery, apparently they are from his district. Glad to have you with us today. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. As the sponsor mentioned, we previously passed a law that would require that employers make available to their employees access to those employee files. This bill, however, goes...the extra step in that it makes the Department of Labor an advocate in that proceeding. The employee currently has the right to go into circuit court...in an action against the employer if he finds that the employer somehow denies him his rights. This, however, gives the Department of Labor the authority to do a variety of things as an advocate of that employee in addition to giving Department of Labor the request to...or the authority to seek search warrants and to go in and actually inspect the employers files. I think we may be going a step farther than we really ought to be going with this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Dawson may close.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, as I said before, the...the Department of Labor is the one that proposed this piece of legislation and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 670 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish?

Take the record. On that question, the Ayes are 33, the Nays are 24, none voting Present. Senate Bill 670 having received the required constitutional majority is declared passed. 671, Senator Dawson. On the Order of Senate Bills 3rd Reading is Senate Bill 671, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 671.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 671 is basically the same legislation that...I introduced in...in '83 that was amendatory vetoed by the Governor and it's the Buy America Procurement Act which...requires all different departments of government to purchase Illinois made products except if the overrun is ten percent...fifteen percent over or a contract is under five hundred dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Whereas the Buy American concept has a...a good ring to it and even to some degree a patriotic ring, I feel constrained as minority spokesman of Labor and Commerce Committee out of which this bill came simply to apprise you of the fact that...that the bill under consideration here is protectionist in...in nature, and this at a time when the President and yes, even the Governor, is...are making trips abroad encouraging other countries to sell their products to us and encouraging them particularly to buy products from us so that we have a two-way street which we must have. And

this bill would seem to me to fly in the face of those efforts in that it would say that the State of Illinois or its various agencies when entering into contracts can only purchase those products or services that are provided or manufactured in this...in this country. This could have an impact on companies such as Caterpillar in that there could very well enter into this a reciprocity. That is to say if we are going to do this, if we are going to try to be protective in that way, then the probably natural reaction on behalf of other countries would be to say, okay, State of Illinois, you're going to do that, we will...we will do something similar in our country and will export fewer of your products and I'm not sure that's what we need at this time. So I would...I would urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Will the...sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

According to our analysis, this not only includes the State of Illinois but it...it also includes all other governments, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

That's what I stated, Senator Fawell.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell...Senator Fawell.

SENATOR FAWELL:

Well, if that is true then,...then the State Mandate's Act is going to kick in, right? I mean, if...if I...if

Wheaton, for instance, decides that they're going to be able to buy pipes cheaper for instance in...in...from Germany or Japan...and I...and this law prevents them, isn't the State going to have to go ahead then and make up the difference?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

I'm informed here, Mr. President, this only applies to State contracts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Fawell.

SENATOR FAWELL:

Well,...well, you know, unfortunately, I don't have the...the bill directly in front of me, but it says...you know, our analysis says...it says, "by any public"...I have the bill now, "by any public agency." And any public agency is...also it includes, you know, counties, townships,...as well as the states, municipalities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson. Senator Fawell.

SENATOR FAWELL:

I also understand that we have got a...a mandate to remove the State Mandate's Act and...and, you know, I'm not...I'm not going to have all my city and municipalities screaming at me because of the fact that I'm going to make them buy more expensively and then not pay them for it. This is...this is going to be...something that our municipalities, including your city, is not going to be too happy with I don't think.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Jones.

SENATOR JONES:

Senator Dawson, under this legislation, if the increase cost, let's say, is...for...to...for the purchase or to lease is only eight percent more than it would be if you were to have a foreign product, what would happen...we'd be required to...to purchase domestically if it's only eight percent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Yes, we would, Senator Jones. It is...anything that is under fifteen percent over cost, you would have to purchase the Illinois made...American made.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, I understand the thrust of the legislation, I supported it when it came through before. But it...it...the vote on this piece of legislation is going to be very, very interesting, you know, 'cause I...as I...at...as I watched the vote yesterday on a similar measure and heard the arguments on both sides of the aisle as it relate to the...divestiture or the...the South African legislation, now here we have a piece of legislation wherein we are willing to pay more for individuals to receive purchased goods and get leases and willing for the taxpayers of the State of Illinois to pay more, but yet and still, by the same token, we say we must take our...pension funds and get the best possible dollar in return for this investment. So, the vote would be quite interesting on that, I'd like to see how my colleagues actually vote on this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Collins.

SENATOR COLLINS:

Yeah, thank you, Mr. President. This bill came out of...of committee that day in the midst of some confusion. It was my understanding that the Buy Illinois-Buy America was merely sort of an experimental program for the State agencies only not local units of government and...and that is not...don't seem to be clear in this legislation as to whether or not it is just State of...State agencies, State operated agencies or are we talking about the State and all of its political subdivisions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

As the analysis states, provides for certain...purchase made contracts by any public agency shall contain a provision that any manufactured goods or commodity users supplied, any public agency.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

END OF REEL

REEL #5

SENATOR COLLINS:

Well, I...I think...I think, Senator, that somehow this...this whole thing have been misrepresented and I know it has been on my part because I had told some of the local people that this bill only affected State and it was my understanding that that's...that's what it was. I...I would suggest that you take the bill out of the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Chicago O'Hare Field is in the midst of a major expansion and according to what I read in the newspaper is they were looking for a...they had a bid from three different firms for a people mover; and under your legislation, do I understand it correctly, because the French firm was twenty-one million dollars lower than who the City of Chicago awarded to Westinghouse, so, under your legislation, it could only have been...gone to Westinghouse whether...whatever the dollar amount was. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

There is a percentage limitation in there, Senator Lechowicz, that if it...the cost is greater than fifteen percent, then they would be able to give that contract to any-

one...from anyplace else.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

So, that means even though it's a low bid, like the French firm was twenty...twenty-one million dollars less than Westinghouse, would still give them the authority then...oh, that wasn't over...that wasn't fifteen percent. No, right. But the other provision under your bill, they could only accept bids from firms in the United States. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

No, they can accept bids from anyplace in the world, it's just that if the overrun is greater than fifteen percent, then they can award that contract to anyone that they want.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

I think I made my point. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dawson may close.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, there's been much controversy on this issue and I would like to ask for a favorable roll call and be willing to work out any other problems with an amendment over in the House if possible and bring it back here for a concurrence so we have this in the proper form. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 671 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 24, 6 voting Present. Senate Bill 671 having failed to receive...sponsor requests postponed consideration. 680, Senator Netsch. Order of Senate Bills 3rd Reading is Senate Bill 680. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 680.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 680 was requested by the Legislative Audit Commission and it grew out of a report that the...excuse me, that the Auditor General conducted of the State pension systems. I might mention that it is also consistent with the desires of the members of the Economic and Fiscal Commission, although I don't believe we took a formal vote of support for it. The Economic and Fiscal Commission now has the responsibility for pension analysis and other related matters for the General Assembly. Basically, what the bill does is to require the five State level retirement systems annually to file with Economic and Fiscal certain information. I won't describe it in great detail but I will summarize it as information regarding their actuarial data, funding requirements, asset information and measures of financial status. It then requires Economic and Fiscal to absorb and analyze this information and to make regular reports to the General Assembly. It also requires the Bureau of the Budget within a short period of time after the filing of the Governor's Budget Message to make available to the members of the General Assembly the funding...recommendations for each of the pension systems, and it

requires all of this to be reported regularly to the General Assembly. I think this is part of an important commitment, if you will, to attempt to get the Legislature more responsive to and responsible for its decisions on the State pension systems and it is designed to help provide us with the information that will make that possible. I...it is, as I say, sponsored by the Legislative Audit Commission and all of those members are hyphenated cosponsors. Any of us would be happy to answer questions. If not, I would solicit your support for Senate Bill 680.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The sponsor has made an excellent presentation of the bill and I simply want to rise in support of the bill. I think one of the things this bill will do is require some of the uniform reporting to a central agency that has not been available in the past, and this is something I think is badly needed and will help us get a handle on the growing pension problem in this State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 680 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 58, the Nays are none, none voting Present. Senate Bill 680 having received the constitutional majority is declared passed. Senate Bill 681, Senator Kelly. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 681.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and member of the Senate. Senate Bill 681 is a bill which is a part of the State Board of Elections legislative package. It conforms with the Federal Court decision and basically it eliminates the need for a Primary Election in a municipal or township election if every candidate for nomination of a major party is unopposed. There is a provision which requires that there be a primary for a...a person who files a statement indicating his intent to be a write-in candidate. It's...was amended. There was two amendments adopted; one being very technical...amendment; number two, made this just apply to municipal and township elections which was one of the major objections of the committee. It's a...it's a cost saving measure and it also gives the State Board of Election more clarity and standardization and uniformity, and I'd appreciate your support and that's it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank...thank you, Mr. President. As the chief cosponsor of this piece of legislation, I strongly urge your support and think that it is, indeed, a piece of legislation that is long overdue since we have had reapportionment, so I ask for your vote on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 681 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 681 having received the constitutional majority is declared passed. Senate Bill 684,

Senator DeAngelis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 684.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill would allow you to see a pornographic movie if you...repeal the seat belt law. Senate Bill 684 as amended...and amended as amended is...does many, many things, and let me describe quite a few. This is kind of a recodification for DCFS. One of the things it does, as you know, in Illinois we cannot detain a juvenile in an adult jail. It makes some rules on that because that area right now is subject to some controversy. It allows you to hold them for six hours but in the event that it's necessary to hold them longer for investigation purposes, you can do so. Those who are subject to automatic transfer because they've committed those crimes in which they can be tried as an adult are exempted. It allows for home detention. It creates some review on jail standards, provides for a...monitoring system. The I-SEARCH part is out of the bill because law enforcement did not want it in there. Defines or expands the membership on the Cook County Planning Committee and does quite a few other things. This bill has been negotiated, and as far as I know, all the affected interest groups have finally come together. There is one group yet, Al Apa from the police training board, I told them that when the bill went over to the House, we would discuss some of the mandates for the trainings of juvenile police officer. Be happy to answer any questions. If not, I would like to have your support for Senate Bill 684.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Karpel. Your light was on, Senator. No further discussion, then the question is, shall Senate Bill 684 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 58, the Nays are none, none voting Present. Senate Bill 684 having received the constitutional majority is declared passed. Senate Bill 690, Senator Macdonald. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 690.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 690 would require the Department of Revenue to issue income tax refunds to a taxpayer within a hundred and eighty...or a hundred and twenty days of the date which the return is received by the department. This...provision is not applicable if the department is contesting the taxpayer's income tax return. I'd like to say that this bill developed out of a series of meetings that I have had over the years with both individuals and businessmen in my district. It is one of the most aggravating and burdensome parts of bureaucracy when we learn that particularly small businesses have had to wait as long, in one case, as three years for their income tax return. The cash flow problem is enormous...under these particular circumstances, and when one considers that the Federal Government is only required...or is required to return your income tax refunds within seventy days, it certainly seems that with the amended version of this bill where we have allowed a hundred and twenty days that with our new computer

systems and with the moving into the new buildings and so forth, that the Department of...Revenue ought to be able to comply with this bill. So, I urge your...for your constituents...and for the individuals that...and businesses that live in your districts, I urge your support for this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 690 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 58, the Nays are none, none voting Present. Senate Bill 690 having received the constitutional majority is declared passed. Senate Bill 693, Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 693.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill amends the Dangerous Animals Act and it...and it extends the scope of the Act to bears, wolves and life threatening reptiles and provides that no person shall have right of property in...keep, harbor, care for, act as custodian or maintain a dangerous animal other than in an escape-proof enclosure. In addition, this bill also adds clarifying language and the liability of an animal owner if the animal runs at large and causes damage. This bill is amended and approved by Dean Sears of the Illinois Farm Bureau, Dick Davidson, the liaison officer from Department of Agriculture, and I ask your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Dudycz.

SENATOR DUDYCZ:

(Machine cutoff)...sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She'll yield.

SENATOR DUDYCZ:

You forgive me for my last vote?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I might. I suppose I have to.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I...I must admit that in the western part of DuPage County we do have some wild animals, some four-legged, some two-legged, and I've been led to believe that the Department of Agriculture, the State police, the Farm Bureau, Adeline Geo-Karis and about everybody else is in agreement on this bill, and I certainly want to keep those people off the highway and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 693 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 1, none voting Present. Senate Bill 693 having received the constitutional majority is declared passed. Senate Bill 694, Senator

Topinka. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 694.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this bill sets up a prima facie evidence provision to facilitate criminal prosecutions for theft by deception. It's basically designed for those people who go out and insist on picking on little guys and senior citizens with things like home remodeling and fancy furnaces that don't work and then take all their money up-front and kind of, you know, skip town. If it can be shown that the contractor took ten percent or more of the contract price as a down payment and then failed to perform pursuant to the contract and did not return the down payment to the owner within forty-five days of a written demand, then a prima facie case would be established. The bill is supported...excuse me, was worked out and is supported by the Illinois Roofing Contractors Association, the American Subcontractors Association Chicago Chapter, Homebuilders Association of Illinois, the Attorney General's Office, the Cook County State's Attorney, and we have worked out any problems that the Illinois Retail Merchants Association has had. They're not jumping up and down with joy, but they're not opposing the bill either. So, I would ask for a favorable vote and/or answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 694 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 59,

AB 707
3rd Reading

the Nays are 1, none voting Present. Senate Bill 694 having received the constitutional majority is declared passed. Senate Bill 707, Senator Rock. Read the bill, Mr. Secretary.
SECRETARY:

Senate Bill 707.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 707 would create the Early Children's Education Act and would provide for early childhood education programs in every school district in the State of Illinois. It also provides that a district may charge a reasonable fee, but in the event that the parents are unwilling or unable, certainly if they're unable, the fee can be waived. It further provides that the parents have to be involved in these programs, and I think that's the essential part of it. The district advisory councils are set up that the necessary teachers are to be hired and that the State board will provide assistance to the districts with programs described in this section. There is both provision for a back-door referendum with respect to a tax levy and a front-door referendum. This, I think, is something that is long overdue in this State and I suggest to you is part of, or certainly should be part of, any educational reform that finally comes out of the Assembly before June 30. I would urge an Aye vote on Senate Bill 707.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR MAITLAND:

Senator Rock, could this in any way be construed to be mandatory attendance? Could the children be forced to go or could the parents be forced to take course?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Absolutely not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Why?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well,...the whole essence of this is that the...the participation by definition requires parental involvement and, frankly, if the parents don't wish to be involved, doesn't apply.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well,...okay, I think it would be...I think the Body should be aware of what we're doing here. We are...we are, quite frankly, getting away from the...the attendance we...we now ask...we suggest children start to school at age five. We are expanding and...and insisting, enforcing that school districts offer education to those young children from...from crib to age twenty-one is what we're...what we're talking about now. I think this is a very, very serious departure from where we've been and where we're going. First of all, Senator Rock, I want to make it...it perfectly clear that the

front door only applies if you go to the ten cents. If it's at the five cents, which is going to be built into the Statute, that is by back-door referendum so that...there is a difference there, but I think we really want to take a...a hard look at what we are doing here. We are forcing school districts...we are forcing school districts to offer school beyond kindergarten and this is from crib to age twenty-one, and I would...would certainly seek your opposition to Senate Bill 707.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR KELLY:

Senator Rock, can you tell me if this program involves part-time or full-time schooling for these young children?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Yeah, the...all this legislation says, the...the district...these school districts shall provide this kind of program. In my view, that, obviously, would be part-time and would, in fact, be permissive. Nobody is mandated to attend or participate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

And then, in fact, the...the school districts would provide that service or are...are they...will they be provided by a special district that'll provide the service? Who's going to provide these educational services for this early

childhood program?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

As...as the legislation reads, it says, if I may quote Section 2, "School districts maintaining grades kindergarten through eight or kindergarten through twelve shall provide early childhood education programs."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Well, not to belabor the...the questioning, I would just have some of the same concerns that Senator Maitland has. I do think that in many cases we need early training and educational services to be provided to children at an early age but not in all cases, and I'm just concerned that maybe we might be going too far in...in programs like this that's so wide and encompassing. I know it's permissive, but at the same time it certainly leads itself to getting an awful lot of early childhood...children into the program and I've got some reservations on that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WATSON:

Does the State Mandate's Act apply?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

In our judgment...I think Senator Berman can probably

address that, but in our judgment, it does not, sir, no.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Why not?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman may be...be best to answer this. Senator Rock.

SENATOR ROCK:

Well,...there aren't really any State funds involved. We are...we are saying that the school districts ought to do this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, it's not a matter of ought to, we're telling them they're going to do it. It's...it is a mandate, it's a shall; it's not permissive, they're going to do it. As a result, the Mandate's Act should apply.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, if...if you're suggesting that the Mandate's Act ought to apply, I...I am suggesting that...that once in place, as a matter of public policy, that, yes, indeed, there will be State funds and, yes, indeed, the school districts, as Senator Maitland pointed out, can go front door for ten cents or back door for five cents to enact a levy to...to help pay for this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, do you have any idea at all with the fiscal impact is going to be?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

At the moment, I do not.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman...oh, Senator Watson.

SENATOR WATSON:

Well, I just urge opposition. This is definitely a step in the wrong direction when we're talking about trying to bring about reform in education, trying to provide new funding and new dollars and then establish a whole new program that...with no real funding mechanism other than a front-door and back-door referendum at the local districts, I think this is a bad idea.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of this bill and let me try to put it into the context of the two bills that we passed yesterday. Everyone who has commented upon education reform has recommended that the...one of the areas that should be addressed is early childhood education. That's what Senator Rock is doing by Senate Bill 707. I think that part of the discussions that will be taken place...that are taking place and will be taking place is the question of the funding mechanism. In addition, this bill does provide for a local funding mechanism in addition to State funding, and I think that the message that would be delivered today by an Aye vote, which I solicit, is the commitment that we recognize as part of the package of yesterday and part of the reform effort is that children will do better throughout their educational career and as citizens the earlier and the better we handle them and address their needs in...in schools and that is the beauty and the essence

of this package. It's unlike...or like the bills that we passed yesterday. They are not in their final, necessary mode, but I think that it's important for us to indicate that we do...support the concept of early childhood education. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. In my past life, I was a kindergarten teacher. We just passed a bill the other day that said that we were going to move kindergarten back to September 1st and they must reach the age of five and that's because those of us who have taught...tried to teach these children realize that there is a certain physical development that has to take place if you are truly talking about education. There has to be a hand-eye coordination, there has to be certain physical things that have to take place first. If we are truly talking about basically day care or if we are talking about teaching young girls, and the average age of a girl who has a legitimate child...illegitimate child in this...in this State is fourteen, and...and that is a real problem. If we are talking about teaching them to be parents, if we are talking about teaching them how to raise this...this child and take care of it physically and perhaps teach it things like the colors and that type of thing, that's one thing, but that can basically be handled more in another program, it doesn't have to be handled in a school program; but if we are talking about true education, education the way that we define it in schools, then...then I would suggest you seriously take a look at this bill because I don't think it's going to be really able to accomplish what you think it's going to be able to accomplish. We have had studies made about what happens when we try and teach children too early, before they are ready and although they may

make a slight jump ahead of...you know, in the early grades, by the time they have reached fifth or sixth grade, it all sort of mellows out, and you're talking an awful lot of money. Day care, I have no problem with. Teaching young mothers, I have no problem with, but I don't really think that that's what this bill does and I...and I also think that there are communities that, frankly, don't need this; and if it's mandated, I think we got a problem with it, and I would suggest we vote No until we get it straightened out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, very briefly. Senator Berman has tried to posture this legislation in the way that it was brought before the committee as something that is a first step. We know that a lot of things are going to happen before this reaches its final form. Senator Fawell, very briefly,...we are familiar with those studies that you're referring to with respect to readiness and with the identical twins and all of those things, but there are a number of studies that tell you you get more for your dollars spent up early on than you do for those dollars that are spent in the later stages. It is better to invest in a four-year old than in a...in a...and get him prepared in sensory motor skills and some of those other skills that are not taught in the home than it is...than the...the...the return that we get on the dollar spent in the later elementary grades, and I ask for an Aye vote on this legislation.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, one of the biggest complaints I've had from the school districts is we mandate so many programs and then we expect the school districts to get...to raise the money for them. I can tell you that my people are not interested in

paying more tax money. I can also tell you, my school districts don't want anymore mandated programs. I do feel that there is a...place, of course, of helping young people, but I don't think we should do it on this basis through a bill of this nature. I also feel the expense when you say, it doesn't cost anything to the State, but it does cost the taxpayers money and the school district will have to have...if by back-door referendum motion to get the money, and I can tell you referendums by schools in my district are not at all popular anyway, so I feel it's an exercise in futility and I speak against the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I see that I voted for this in committee and I apparently did so without the full benefit of the bill analysis before me now. Looking it over and examining especially the mandate, I...I, too, am concerned about the impact of the bill. I certainly agree with...with everything Senator Rock is trying to do here, and I would just remind those of us who are interested in trying to do something about early childhood education, that one of the bills on 3rd reading and alive and well in this Chamber and, hopefully, will be considered later today or tomorrow is Senate Bill 1272, which is part of the Governor's package on early childhood education and it approaches this subject from the standpoint of model pilot programs for early childhood education, and I would submit to you that as much as we think we know about educating kids from birth to three years old, there's probably a lot more we need to know before we actually get into the...business of mandating school districts to do this. So, I would suggest that we all get together on this sometime later on down the road. The best thing to do would be to put a bill like this

aside for now, wait until the modal pilot program comes forth, vote for that. I'm sure on down the road we can all reach agreement on how to deal with this subject, but I don't like this particular approach for the mandate reason. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I think we all would agree that parents are a child's first and best teachers, and I think that is the...one of the assets in this particular bill. It's not talking about glorified day care, giving the children away to someone else to teach values and so forth. It's helping parents and children learn together. It's establishing parent/child relationships and programs, something sorely needed, something the Federal Government has realized for years in establishing Head Start, its Title One and Chapter One Programs that parents must be involved if the children are going to learn properly, if they're going to merge into the school system knowing the things they ought to know...that have been taught to them in the home. Perhaps somewhere along the line we can come up with a...a more...an easier way to fund the program, if that might be the objection, but it seems to me that this is program that...whose time has come, that more and more of the State is having to take over some of the things that the Federal Government is withdrawing from, a very vital program, and I would urge your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'm particularly interested in whether or not this is a mandate, and there seems to be some equivocation here in responding to that question, but if I

can read the English language...it says on page 1 of the bill that, "School districts maintaining grade...grades kindergarten through eight or kindergarten through twelve shall provide early childhood education programs." Now, I think that's a mandate. The bill goes on to say that...that the school district may levy taxes and so on and...and no doubt the parents may or may not decide to let their children participate, but this is a mandate. It's a...it's a mandate on our local schools, and at the present time, there's no conceivable way that the State's going to help finance it. Let's not do this till we know how we're going to pay for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. It's a case of whether we pay now or pay later, and I think that you're not going to eliminate the cost of any of the educational programs that we're faced...that we're...is before us. One of the things that we discovered in the drop-out task force is that the dropout starts not in the eighth, ninth, tenth grade; it starts at...the age of four, five, six and in that childhood years. Having the parents develop a rapport with the child and having the...the child and the parent being exposed to the school curriculums and what have you, I think is the best way to go. In the long-run it's going to cost us less and I think it's an investment in the future and I support this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COLLINS:

Yes, Senator, are we talking about from zero to five?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Are you talking about child/parent centers? Programs modeled after the child/parent centers, those that are connected with the schools in...in Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Yes, not exclusively, now. It could...could be, but your...the answer is yes. The program may include the following and then there's a list of what it may...but the program shall not include any activities for children that do not require the substantial involvement of the children's parents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Okay. The...the next question is, what happens to day care?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Nothing happens to day care. This hasn't got a thing to do with day care.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Well, Senator, I...I, you know, fully appreciate what

you're doing and...and I even support the whole concept of child/parent centers, but I...I do think that we have to know what is going to happen to day care because if the...if the school board are to...I mean, shall provide these programs, then who determines which kids can go to the schools free or which kids will have to go to a pay day-care center, and I'm sure that most...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Rock.

SENATOR COLLINS:

...parents would opt not to send their children to a...to a day-care center where they have to pay some kind of a fee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, what...what I'm suggesting to you is...is that day care doesn't have a thing to do with Senate Bill 707 or vice versa for the reason that the Early Childhood Education Act, as proposed, requires the substantial involvement of the parent. That, I assume, means the physical presence of the parent. You are talking about a situation where the parent, in fact, drops the youngster off to be cared for at a day-care center. It's got nothing to do with this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Maitland for the second time.

SENATOR MAITLAND:

Thank...thank you, Mr. President. I apologize for rising the second time, but...sorry, Senator Rock. Let me...let me address the parental part of this. We're still, obviously, talking about two separate and distinct programs. We are talking about a program that...that intends to educate parents about physical, mental and emotional development of children; obviously, the kids can't be a part of that. So,

we are talking about two separate and distinct components.
Is that not correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well,...I'm not sure I follow that. There...there has to be substantial involvement of the parent or...or we're not talking about the same program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, yeah...yes, but...but if we're...if we're going to put a little two-year old or a bunch of little two-year olds in...in...in a classroom, they're going to be taught one thing and in another room, you're going to have the parents being taught the problems with that little, bitty two-year old. I mean, they can't be a part of the same program, they are two distinct and separate classes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

I...I don't claim to have the expertise of a Senator Fawell. I have never taught kindergarten or preschool, but that is not the way I envision this, no, sir.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, I...I...I don't like to prolong this, but I...my...my point is, it appears to me, as I read the amendment, and maybe Senator Berman can comment or maybe Senator Fawell, but...but you're going to have to have two separate and distinct programs, one for the parents and one for the kids, there's just no other way. I guess I'd just like a...a yes or a no answer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

My...my answer to that is no.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

...would the sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MACDONALD:

I'm interested in the concept in...especially in terms of the zero to three-year olds. Knowing the percentage of working families where both parents work, was the testimony in your committee...how...how does this work out? What are the hours where the children could be brought and...you know,...we're talking in a nebulous sort of way without very many details to go on. Just...just when and what time of day or is this...is this for just a...a privileged few whose...whose mothers maybe are not working mothers or how...how does...how is this going to work...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Rock.

SENATOR FAWELL:

...in terms of the...participation...the families?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, two things about your question and then I will attempt to address it. One, we are talking about youngsters who have, in fact, been born, so I don't think it's fair to call them zeros. Secondly, I think that...you know, you, too, again are...are mixing up day care, this is not day care, and the program is permissive to the extent that the

parent, obviously, has to be involved. So, if, indeed, both parents, unfortunately, have to work and they can't spend all day with their youngster, they're not participating in this program. They're simply not participating. The program involves youngsters from birth to kindergarten who are brought to the school or school district facility by the parent and both the parent and the child attempt to learn some things; and the programs are to educate parents about the physical, mental and emotional development of their child, programs to enhance the skills of parents in providing for their children's learning and development, activities designed to detect children's physical, mental, emotional or behavioral problems that may cause learning problems and...and programs that involve substantially the children's parents. Now if the children's parents aren't available because of financial need, the kid is not in the program. It's that simple.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Fawell for the second time.

SENATOR FAWELL:

...I apologize for...for...getting up for a second time, but...you know, maybe I can somewhat help you, Senator. You are, indeed, right. There are programs similar to this that I have read about where the parents come in and if it's an infant, they physically work with their child, whether it's exercising their legs, whether it's assisting them in crawling; they learn the behavior of the child as the child progresses in age, they do, indeed, learn along with their child what normal children of this age can be expected to do and cannot be expected to do. For instance, I know of...of one young girl who was very, very upset with her child because her child was not speaking and acting like a young adult. She didn't realize that this was not possible at this

age. It's sort of a parenting type learning situation, and I do agree if that's, you know, somewhat what you're reaching for that in certain sections in our State that would be an excellent program. I...I have no quarrel with...with that type of thing. I guess my main quarrel is, if you make it a shall program, people in my community, such as Glen Ellyn, where we have got the average age of a young mother in that particular community for the first time is around twenty-seven or twenty-eight, she is a college graduate, a lot of them have got their... you know, training before. I don't think they need to have that kind of training and I don't think it should be necessary that those types of communities be...have a shall in there that the community has to pay for this...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR FAWELL:

... 'cause I know these parents would love to come to these things.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, would you bring your remarks to a close.

SENATOR FAWELL:

...you know, I...I, again say education per se that we are talking about...that we are talking about...when we talk about school, I don't believe can take place much before four and a half, five is the age that most of us have arrived at, but there is another program and I've no objections to that, but don't make it across the State and don't make it mandate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no further discussion, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me first, I suppose, apologize to both Senators Maitland and Schuneman. I attempted and I thought I had suc-

cessfully avoided the buzzword mandate, because all too often around here we hear the buzzword mandate and...and it's...it's like a boogeyman, everybody comes up tight. What I am asking by virtue of Senate Bill 707 is that, yes, indeed, school districts shall provide, and that is a mandate, no question about it, and it is a mandate that I hope we, as a group, are prepared to fund. I hope the participants will be charged a fee as is provided in this bill. I hope that as is provided in this bill a district may receive funds from any governmental agency or private source or if, indeed, now there's no other alternative, they have an opportunity for a front-door referendum and/or a back-door referendum, cause, yes, indeed, we ought to do this, and that is...exactly what we are about, whether we understand it or not. I am not afraid of mandates. I am not caught up in the buzzword that once there's...we're mandating something...we mandate an awful lot around here. What I'm asking for is a commitment as a matter of public policy to say to the eleven million four hundred thousand people of this State, as they said in the State of Minnesota, and that's, frankly, where I got this idea. I had the opportunity to visit with the Senate President of the State of Minnesota, himself an educator or former educator, who five or six years ago had this exact law put onto the books of Minnesota and the...the results have been dramatic, dramatic in terms that...that I think everybody understands and in every educational journal it...suggests that the earlier you get started educating both parents and children, down the road the costs are less because we don't have dropouts and we don't have people who can't compete and we don't have, as we have right here, now, in the State of Illinois, an...an alarming illiteracy rate. If this is a public policy, that simply in the future is not going to happen, and all I am suggesting by Senate Bill 707 is that if we are, indeed, committed to substantial educa-

tional reform, we ought to be in a position as a matter of public policy to say, yes, from the time you are born we are prepared to provide you with educational services, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 707 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Would you vote me Aye on this, Senator. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 25, the Nays are 34. Senate Bill 707 having failed to receive a constitutional majority is declared lost. Senator Vadalabene, for what purpose you arise?

SENATOR VADALABENE:

Yes, on a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR VADALABENE:

In the President's Gallery we have Art Fowler with a delegation from the Wood River Moose Lodge Retirees in the gallery, and also I would like to give special recognition to Glenna Borsher who is eighty-five years old...or eighty-five years young today who accompanied the group. Would you all stand and be recognized.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please stand and be recognized. Senate Bill 708, Senator Rock. Read the bill, Mr. Secretary. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, the rest of the group is in the gallery to my rear and I'd better have them recognized or I'm in trouble.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...would they stand and be recognized. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 708.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 708 would statutorily authorize literally a three-year pilot program providing special education services from birth to age three. Grants are to be awarded on an annual basis on a competitive bid basis. There's an interagency coordination council with the respective State agencies who are involved. There is in the Governor's Budget, in the State Board's appropriation, one million dollars appropriated for five to, hopefully, seven of these pilot projects. At the end of the pilot period, by January 1, 1989, the State Board is to submit to the General Assembly a report which will analyze the result of...of these programs. I know...I certainly hope there's no opposition and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr...President. Senator Rock, I'm wondering if 94142, the Federal mandate for special education, and...and as I recall, that...that is based on age three to twenty-one. Can we expect Federal reimbursement, once again, for zero to age three?

PRESIDING OFFICER: (SENATOR SAVICKAS)

...sorry, was that a question, Senator Maitland? Senator Rock.

SENATOR ROCK:

No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Do you know of any initiative in Congress to change the Federal mandate to include those zero to three?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

There are some that I have spoken with in the Congress who are as well motivated as I, but, frankly, they do not look for much success, much like I met with with 707.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Okay. Let me...just to...to the issue then, I guess. School districts now, for those of you who don't know, do assess the children age zero to three, that is on a voluntary basis, they are not mandated to do that. In the package that Senator Berman and I have, I believe, we are mandating that assessment from age zero to three to include all of those. This, of course, goes one step farther and suggests that we will accommodate or deal with those young people who are deemed to be special education students, who will...who will ultimately fall under the...the mandate of 94142. I just would let the Body know that this is not...it's not a terrible...not a terrible concept, but it's a concept that's going to cost money and I think we need to deal with that issue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in strong support of 708. You know, we're talking about money and I agree all these programs are expensive, but if you deal with this prob-

lem from zero to three, I can assure you when they reach the age of four and five, when you have to, in fact, incur the expense of dealing with this, you could appreciably reduce the expense. In addition to that, I think it's rather humane to offer some opportunity to parents who happen to have children that are disabled and some help in dealing with that situation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank...thank you, very much. Senator Rock,...this is an excellent bill, I think...you are...you are entirely right. If you have a child that is deaf, certainly the quickest we can start teaching them how to speak, and that requires special training and special people to teach the parents how to train, it should be begun as quickly as possible. Same thing is true with handicapped children of just about any kind. This is an excellent bill and I would suggest everyone support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ROCK:

Thank you. I...I think this is absolutely essential. It's a commitment that we ought to make. I have seen...to it that the State Board has a million dollars to be appropriated in their budget for this purpose, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 708 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 2, none voting Present. Senate Bill 708 having received the constitutional majority is declared passed. For your own

information, we are passing bills at the average of nine per hour. We have two hundred and thirty-five bills left on the Calendar. So, if we plan to be out tomorrow afternoon, we can figure if we stay all night and work till three o'clock tomorrow afternoon, we will pass two hundred and sixteen bills and still be twenty short, for your own information. Senate Bill 709, Senator Lechowicz. Senate Bill 712, Senator Zito. Senate Bill 713, Senator Zito. 714, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 714.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 714 amends the Product Liability Reporting Act and it changes an Illinois law proposed by the bill delete expensive and meaningless reporting requirements and leave the essential data reporting which the Department of Insurance requires. It really simplifies the law and makes the reporting data much more uniform and is supported by the Department of Insurance. I don't know of any opposition and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 714 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 1,...none voting Present. Senate Bill 714 having received the constitutional majority is declared passed. Senate Bill 721, Senator Darrow. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 721.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. Senate Bill 721 establishes the State Job Program for the long-term unemployed through a State subsidy to private non-profit and government employees in targeted Illinois counties. What the purpose of this legislation is to assist those individuals whose unemployment compensation and...other benefits have terminated and there's nothing else available other than public assistance. What will happen is a pool of these individuals will be formed and the employers can choose from that pool when they wish to hire someone. The employees in turn will be subsidized at a rate of four dollars per hour and one dollar for the fringe benefits for hiring that person for a period of up to six months for a total of one thousand forty hours during that period. Following that, they will be kept on the job for one year and they will...the employer will then not be required to pay any of this funds back but to keep the person on up to that one-year period. The amount of money that would be used for this program would be ten million dollars. The object is to assist those in the State of Illinois who would have no other source of income other than public assistance and are unable to find a job. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Keats.

SENATOR KEATS:

Well, this is not an administration bill. This is a policy the Department of Commerce and Community Affairs is...is already doing. It actually is a pretty good idea. I'm not saying there's no controversy to it and, I mean,

there may be some minor costs, but it's a practice we're trying now and if you don't mind trying some unorthodox ways to get some people back to work, it's an interesting concept. I intend to support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

Would the sponsor answer a question or two?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HUDSON:

Senator Darrow, I understand that under the provisions of this bill DCCA would have about ten million dollars to...to work with for this purpose. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

It is proposed that there would be a ten million dollar appropriation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

(Machine cutoff)...million dollar appropriation...seventy-five percent of the ten million to be used for wages. What happens to the other twenty-five percent...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR HUDSON:

...of the money, two and a half million?

SENATOR DARROW:

The seven...the seventy-five percent is the minimum that can be used for wages. Hopefully, they'll be able to use ninety-nine percent for wages. The rest of the money would be used for administration of the program and probably for

some of the ancillary services.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

Why, I'm...I'm just wondering, why limit it at seventy-five percent, Clarence, that's all? Why not...why not throw most of it, if not all into...into wages if that's what we're trying to do? Looks like, to me, that there may be an administrative overhead drag there somewhere.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Oh, is that a question? Senator Darrow.

SENATOR DARROW:

Well, I don't see the overhead drag. It's going to be administered by the Department of Commerce and Community Affairs, and I'm sure that you...you and the members of your side of the aisle will agree that they are doing a fine job and I have great confidence in Commerce and Community Affairs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

I think I'm also a little bit concerned about the six month's provision. Now...as I understand it, DCCA would take these marketing service areas and we would have...based on the unemployment, we would have one of these...one of these outfits in each one of the service areas. Is that right, Clarence?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

Yes, the State of Illinois is divided into fifteen market services...service areas by the Department of Commerce and Community Affairs. Cook County is one market area...one

service area, by the way, so they would have one program there. The other remaining counties in Illinois divided into the other fourteen market service areas. The county in a market service area with the highest number of unemployed would be the county that would be used as a pilot project.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

Well, I don't mean to be nit-picking here but I'm...I'm concerned a little bit about the distribution. For example, we would have a couple of counties like Madison and St. Clair Counties that might have the high unemployment figure. They can't both be eligible at the same time, as I understand it, and if one county should exceed the other in unemployment, they that county would become the county in that area to receive the benefits under this program and the other county would go wanting, if I'm correct in my understanding, I may not be. That's a question. Am I right in that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

Unlike some other programs that we consider, I've tried to make this program geographically fair to all areas of the State. In doing so, we've used the fifteen market service areas. That spreads them geographically around the entire State so there's no pork barrel or nothing of that nature. Now, with regard to the service...market service area of Madison and St. Clair County, the unemployment there is quite high. One county may have the program started out for six months, it would be completed; following the completion of that program, if the other county has a higher unemployment rate, you would go to that county, but you would not conclude a program...until the year is completed and then you would go to the next one, but it would be within that service area,

and I...and I remind you this is a target...this is a pilot program; perhaps, if it goes well, we...in years to come, we can have it in every county.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

One...one other question and then I'm through. If you had a case, Clarence, of an individual, let's say, that came in one of these service areas under the program, he came in and he was employed, let's say, for two months and then that service area became uneligible due to a...an unemployment shift in the figures. Does he...what happens to him? Is he no longer eligible as the county...as that district would be come uneligible or...or does he continue?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

A portion of the answer to this question will have to be determined by the rules and regulations of the Department of Commerce and Community Affairs; however, logically, I would say that he'd be allowed to finish that program because that's what it's geared to be, and I'm sure that Commerce and Community Affairs would do the logical thing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Yes, thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR KARPIEL:

Senator Darrow,...you said that you're going to be using the service delivery areas of the Job Partners Training Act that are in place now, is that what you said?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

We are using the fifteen market service areas currently used by the Department of Commerce and Community Affairs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

But when you're talking about market service areas, are you talking about in the job partnership...you know, the...the...the Training Act? The same...those market service areas?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR KARPIEL:

I...what I'm getting at, Senator Darrow, is if you are, you mentioned before that Cook County...all of Cook County will be a service delivery area and, presently, under that Act, all of Cook County is not a service delivery area. There are two...the rest of Cook County and the northwest suburban delivery area.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

No, it's not that designation. It's the Department of Commerce and Community Affairs' designation of these areas. Cook is one, Kendall, Will,...well, it...it goes throughout the State the different...breakdown. I have a copy over here if you'd like to see it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Well, it just seems to me that if you're going to be putting money into DCCA for...this is job training, correct?

No?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

No. Again, this is not job training. What it is is the employer who has to hire someone, has a vacancy, will go to this pool of workers who have exhausted their unemployment compensation and hire from that pool. When the employer hires from that pool, he will be subsidized by the State four dollars an hour for wages, one dollar an hour for fringe benefits. So, it's the employer taking advantage of this program. It's an employer's program, not an employee's program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Well, it just seems to me that there's a lot of similarities...we are just not training them, you're just hiring them. It's the same kind of a thing. To me that seems rather like a duplication of...of the program that we now have in place and rather than putting money in a new program, I don't know...because if in that Act someone doesn't need training exactly, they...you know, would still be able to be eligible to be hired back or hired by a firm, but, basically, I was just interested in the service delivery area.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, thank you, Mr. President...Senator Karpziel has hit on something very important. Senator Darrow, currently, under the jobs...Jobs Training Partnership Act, the person and the service delivery area can do this, there's only one requirement, that that person be enrolled in the program; and if you're talking about unemployed people, what better

requirement than to find a method of training them for a job that is out there when they have lost a job that's disappeared, and Senator Karpel is correct, that money is available for that purpose. And let me point out to you, right now, as far as I know, there are only two service delivery areas that have met their goal in the number of people to enroll in the program and put into employment. Now, you're creating another program which is going to further draw for that and programs are...that aren't even fully enrolled in and which have Federal funding.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DARROW:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, the State of Minnesota had implemented this program a year ago. Reports from Minnesota are that it's working excellently. There are no problems with the program. People are being hired and I'd point out to you that this...not...unlike CETA where the employees are out looking for jobs, this is an employer program where the employers are out looking for employees and have a...a range of people to choose from. They are then subsidized, as I said, four dollars an hour for wages, one dollar an hour for fringe benefits. The employer benefits. He has a subsidized employee working for him. The State of Illinois benefits because that family is not on public assistance. That family is...is gainfully employed, the...breadwinner is out working, contributing to society, paying his taxes, psychologically feeling good about life again, able to contribute, and, hopefully, will be able to keep that job. It's an excellent program. The...I've discussed it with the Department of Commerce and Community Affairs. They're quite eager to...to have it implemented so that they can go about their business get-

ting the unemployed off the rolls and back to work. I think it'll be very helpful for the State of Illinois. We'll be able to eliminate some of this unemployment and I'd solicit an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...question is, shall Senate Bill 721 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 37, the Nays are 22, none voting Present. Senate Bill 721 having received the constitutional majority is declared passed. Senator Demuzio. Senate Bill 723, Senator Berman. Read the bill, Mr. Secretary.

END OF REEL

REEL #6

SECRETARY:

Senate Bill 723.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Last year we passed the Asbestos Abatement Act to address the problem of the existence of dangerous asbestos in our school districts and school buildings throughout the State of Illinois. Under that bill, there was created the Asbestos Containment and Removal Advisory Council which has held hearings and has come back with recommendations which are embodied in Senate Bill 723. The bill provides for a system of...opportunities for funding, which are not set forth definitely yet in the bill subject to discussions that we are going to have under the auspices of the Governor, the Bureau of the Budget, Capital Development Board...with the Department of Public Health to determine what is the best approach to addressing the process of...of abating the...asbestos danger in our schools. Some of the schools that have already done the asbestos abatement are included in the funding proposals of this bill. Be glad to respond to any questions. The bill includes an...increase of authorization in accordance with the recommendations and the hearings of the Asbestos Council to two hundred million dollars. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like to ask...question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

You mentioned this in your...your beginning here, but I did want to clarify in committee...my particular school district, Greenville, has already done what we're trying to do here, and you mentioned that they're going to be included in this program and could get money for the work that's already completed, and I want to just make sure that that is part of the record for fact...that's a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman. Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill 723 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 57...58, the Nays are none, none voting Present. Senate Bill 723 having received the required constitutional majority is declared passed. 724, Senator Berman. On the Order of Senate Bills 3rd Reading is Senate Bill 724, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 724.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

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

Senate. Senate Bill 724 addresses a particular process of the court system where a business that operates these private process serving services would be authorized in the name of the company rather than the name of the individual process server to serve writs and papers authorized by the judicial process. Be glad to respond to any questions, ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, would the sponsor yield...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Savickas.

SENATOR SAVICKAS:

Senator Berman, there were some concerns by the representative of Cook County Government on this. Have those been addressed and would you tell us what they were at the time? I don't remember what they were.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes. The sheriff's office indicated that they have a similar...or a bill on the similar subject working its way through the House, Representative Laurino has a bill that would give jurisdiction of the...to the sheriff to screen and...in effect, license these process servers. I've talked with...Representative Laurino and when the bills cross, we're going to amend them so that they both...they include both bills, this bill and the...regulation by the sheriff of these process servers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

So, the question with the Cook County Government was the

sheriff's ability to...fine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...yeah...would you...yield to a question? Under your bill, are you saying that any person from a business can serve a summons outside of a sheriff? Or are you talking about subpoenas now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

We're talking about process servers. As you're aware, there are people that serve process...judicial process for a fee. This is usually...they're usually utilized when the sheriff has gone out and made several attempts, can't be done...you pay these private process servers. This bill and the bill that I'm talking...that I refer to in the House would authorize these process server serving companies to be authorized to serve them in addition to the name of the individual private process server.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

At the present time, Senator, in my county, if we don't think the sheriff's office can do a fast enough job, we just go get a court order...you know, naming someone to do so. Are you saying that...all you're doing then, if I understand you correctly, is allowing a company to be formed, for example, and call it a process serving company, and let's say the A.J. Company, and then, A.J. will send one of its boys out to serve the process and of course they will sign as an agent of A.J. Company. So, you're...you want to extend that service? Are you aware, at the present time...and I wish I had known about your bill to ask you to expand it because at

the present time, if you want to serve a subpoena in...in a...in a criminal case, it has to be the sheriff who serves it. You can't serve it with any...you know, private process server. I don't find anything wrong with your bill. I'll support it but keep that in mind.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Nedza.

SENATOR NEDZA:

Question of sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Nedza.

SENATOR NEDZA:

Senator Berman, just a question to the legalities. That individual who would be an employee of a specific entity, the legalities...would they still be in force as to the process server...that kind of...be it a writ, be it summons or be it what have you, because presently we're...I think the sheriff's deputies are officers of the court in that sense. In the Act, does that individual...is...is it as binding as if it was the...being served by a sheriff or what have you?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes. It does not affect the effectiveness of the service.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman may close.

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 724 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes

are 57, the Nays are none, none voting Present. Senate Bill 724 having received the required constitutional majority is declared passed. 725. On the Order of Senate Bills 3rd Reading is Senate Bill 725, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 725.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 725 deals with the problem of chronic truants. This bill has been worked out...and I will explain...the single area, I believe, of difference but it's been worked out with the...the State Board of Education, the Illinois Association for Truancy Prevention, which is an association made up of approximately twenty Statewide organizations dealing with children and truants and schools. The...this bill in addressing the question of truancy does a very important thing, and...and what it does is to mandate a series of prevention and remediation services that shall be available to try to address the problems of chronic truancy. There's no problem, everybody is in agreement with the provision of those services. The main area of dispute is whether at the end of the road when all of these social services and rehabilitative services have been provided, should there be a court of last resort; namely, the juvenile court? The State Board of Education and the Commission and...and the Illinois Association for Truancy Prevention says, yes, that juvenile court should be at the end of the road, because that's what gives some leverage and muscle to the delivery and the process of taking advantage of the social services in the proc-

ess. Without the...the juvenile court being at the end of the road, there's no leverage to say...to...to ensure or try to assure that the child, the truant, will in fact take advantage of these services. There is a body of social service agencies that say, we don't want the juvenile court in this process at all, and that's essentially the difference in approach. I've talked with the ACLU, Arm & Hammer group...many of these groups, and my commitment to them was, let's do this bill as it presently is postured with the juvenile court as the last resort, mandating the social services in the process, let's see if it works this way; and if it doesn't work and children are put into detention that shouldn't be put in, come back and we'll take it out. But let's go with the State Board and the Truancy Prevention Association to see if this can work, and I would be glad to respond to any questions and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, members of the Senate. I just want to point out that at the committee hearing there was opposition stated that this legislation may in fact cause truants to be sent to jail, and I know that there was an amendment offered but it seemed to me like that even made it worse, because it...deleted a portion that said, "and whose low or declining academic performance can reasonably be associated with such absences." Therefore, it could not only be a...a student who was struggling in...in their class work but it could also apply to any student, and I...I think the...the intent of this legislation, just as all of Senator Berman's, is very meritorious; at the same time, there is a question to me, if that's what we're doing I think that that's a mistake.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. Will the speaker...the...the sponsor yield for a question? Just for the record, because I have had some concerns in my district, you...we are not talking about hauling parents up who are teaching their children legitimately in the home schools. Am I right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

You are right. I had inquiry from the home school people, that's who you're referring to, and they are not affected at all by this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I am...I think you will find that most juvenile judges and...and most truant officers think indeed that we do have to have some grip on these kids if they're just absolutely refusing whatsoever to go to school, and I think it's a good bill and I think we should vote for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Berman, up to two year's ago, truants could in fact be brought before the juvenile court, as you're aware. At that time do you...do you have any idea of how many truants there were in the Chicago school system?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I don't have a number.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Twenty-five thousand. Now, I have another question. Do you know how many of those were petitioned before the court?...zero.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman...Senator DeAngelis.

SENATOR DeANGELIS:

And, I really believe that bringing truants back before the court is bringing them nowhere in the first place. But more importantly, I don't know where anything is served by taking a problem regarding a troubled adolescent and then using the juvenile court system which, by the way, doesn't even want to deal with this problem, does have the time to deal with it, doesn't have the resources and the prosecutors don't even want to deal with it. And I find that part quite unnecessary, and I really admire what you're trying to do with the rest of the bill. Now, if you really want to serve some type of punitive system, then I would look at some of the other things that are being done in terms of...well, Senator Berman, that's punitive. Putting a kid in jail is punitive, I'm sorry. Then, I think you ought to look toward ordinances, toward doing something with the parents, toward doing some other things. But I think we're going backwards with this and you're really taking a good bill and messing it up with one or two lines in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen

of the Senate. Senator DeAngelis passed Senate Bill 623 a couple of years ago and what that bill did was to do away with mandatory attendance in schools in the State of Illinois. And every kid in this State who wanted to become truant or wanted to get out of school knew it, as of January 1, 1984, there would be no more mandatory attendance. That's what that bill did, and let me tell you something about all these courts that don't want to deal with these kids. In most courts in this State they have one of the judges who is a juvenile court judge and he works with those kids, and those young kids who are truant have a responsibility in life just like everyone else does, and they have to accept that fact. And if after working with the...with the truant officer in the school and...and he's been unable to get them back in school or retain them in school, then when the courts pick up this child they begin to work with them; and in McClain County, for example, we had a situation where the judge was written up Statewide for the job that he was doing, an unbelievable success. There's nothing wrong with this at all. If we are talking about mandatory attendance to age sixteen, then let's put some teeth back in the law to make sure that we have a mechanism to deal with it, and this mechanism does deal with it. I am in strong support of Senate Bill 725.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

...thank you. Just a question to the sponsor. When you were making your explanation at the beginning, you indicated that some of the youth agencies and others were deeply concerned about the juvenile court option at the end of the tunnel, I think as you described it, and that you had urged them to let it be tried this way and see how it would work. I'm just...you...you sort of left some of us dangling. Did

they...did they accede to that or did they say that, no, that that was such a major detriment that they did not want the bill to be approved at least with that provision in it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I'm...I'm hesitant to give you a...a direct answer because, you know, they come here with the motive that they don't like the juvenile court as the last alternative, but on the way to the Capitol this morning, I walked with the...I would say the major witness regarding this issue. His comment to me, because I asked him...there was a bill that dealt with the juvenile court that failed in the House, he said, do not let anyone even suggest that the bill that was defeated yesterday and which they wanted defeated, does any way resemble 725. What we are doing in 725 and which they agree upon is mandating these rehabilitative and social services. That is crucial, no one disagrees with that, and I...that is the heart of this bill. The only question, and they are still going to address this issue, as to whether there ought to be the leverage at the end of that rehabilitative process of a court. They would like it out. We are suggesting it be in. I don't think...I don't think that they want nothing passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

And, obviously, since there has not been experience yet with this bill in place, there is no way of making a judgment about how often that option at the end of the tunnel, that is the juvenile court, is going to have to be used. I suppose, ideally, it would never be used at all, but if it's there it's probably going to be used some time but there just is simply no experience on which to make that judgment. Is that

correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Well, the experience on a very limited basis, and that's, again, the...the...why the bill is important. Where there have been these rehabilitative services, they...have dramatic success. This bill mandates those services as part of the chain of addressing chronic truancy, that's why this bill is so important. Those..where those services have been utilized, even though only on a limited basis, they have been very successful. We want to expand those services.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion?...Senator DeAngelis for a second time.

SENATOR DeANGELIS;

Yeah, I...I want to apologize, but let me point out to you that one of the reasons that that was taken out of the juvenile court, is that it was felt that no one was doing anything about it and relying upon the court. Now, because we took it out of there, it's created a tremendous discourse on the issue of truancy, and I really appreciate that discourse and the approach to the problems. What I am concerned about, by putting this back in again, we're going to go ahead and forget about everything in between and once again look to the court to do the same dismal thing it's done in the past.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? Senator Berman.

SENATOR BERMAN:

To close...let me...respond to...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Berman to close.

SENATOR BERMAN:

...okay. Senator DeAngelis, if I might just have your attention for a moment, undivided attention. We prepared language that was not even in the original bill as introduced but was in the amendment to do exactly what you have expressed your concern about. These services are mandated. Before you can get to the question of the juvenile court action, there must be these services, because I had the same concern that you did, and I...submit to you that this is a very progressive, forward looking bill...supported by Department of Children and Family Services, the State Board of Education, the juvenile section of the...Juvenile Law Section of the State Bar Association. I urge your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 725 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...take the record. On that question, the Ayes are 54, the Nays are 1, 3 voting Present. Senate Bill 725 having received the required constitutional majority is declared passed. Senator Zito, for what purpose do you arise?

SENATOR ZITO:

...thank you, Mr. President. I asked informally and now I'm going to ask formally, and no deference to anybody here, we spent twenty-four minutes on a bill that just received fifty-four positive votes. Can we please use the timer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

We will use the timer. 726, Senator Berman. On the Order of Senate Bills, 726, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 726.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman, your time is running.

SENATOR BERMAN:

Roll call. Thank you, Mr. President, Ladies and Gentlemen of the Senate. Your synopsis is in total error. This bill has nothing to do with punitive damages. The bill as amended is amended with language submitted by the life insurance industry to deal with a particular situation where a...insured is receiving benefits and...and the insurance company determines that the benefits are not medically necessary. It sets up a process for notice and evaluation by the treating doctor before the benefits can be terminated. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall Senate Bill 726 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 59, the Nays are none, none voting Present. Senate Bill 726 having received the required constitutional majority is declared passed. 728, Senator Berman. On top of page 16 is Senate Bill 728, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 728.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

This is a bill that was prepared by Joint Committee on Administrative Rules. It deals with issues addressing the Department of Labor, the Secretary of State, the Illinois Occupational Therapy Practice Act, the Medical Practice Act, Illinois Public Accounting Act, and the Secretary of State

Merit Employment Code. I'd be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 728 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. Senate Bill 728 having received the required constitutional majority is declared passed. 729, Senator Berman. On the Order of Senate Bills 3rd Reading is Senate Bill 729, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 729.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the second bill from the Joint Committee on Administrative Rules. It deals with the Horse Racing Act, the Election Code, the Insurance Code, Shorthand Reporters Act, Developmental...Department of Developmental Disabilities, Hospital Licensing Act, and, again, the Horse Racing Act. I would be glad to respond to any questions and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 729 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 59, the Nays

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3rd Reading

are none, none voting Present. Senate Bill 729 having received the required constitutional majority is declared passed. 730. On the Order of Senate Bills...3rd Reading, Senate Bill 730, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 730.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. Senate Bill 730 deletes excessive...extraneous language in Article 188 of the School Code, solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 730 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 730 having receive a required constitutional majority is declared passed. 736, Senator Kustra. On the Order of Senate Bills 3rd Reading is Senate Bill 736, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 736.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senate Bill 736 provides the credit against income taxes for certain contributions of personal property to school dis-

tricts or joint programs in an amount equal to twenty-five percent of the fair market value of the property. There is a limit established in the bill so the tax credit cannot exceed five dollars per student. What this means is that the maximum State investment could be no more than nine million dollars a year. I think it's safe to say that the number of corporations, for example, who might want to participate in this program would be fairly small and it's highly doubtful that we'd get anywhere near even the nine million dollar maximum investment. There was a fiscal note filed and...the Bureau of the Budget responded that it is very difficult, if not impossible, to determine at this time just what the number of corporations who would be participating in this program might be; but again, I think it's a way to help our business community help our schools, and I would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I have no doubt that the bill will pass, but I would like to call attention briefly to the members of the General Assembly of what we are doing. This is one of several bills and I've kind of lost count, Senator Kustra, that would provide either a credit or a deduction for property given by businesses, corporations to either schools or technical institutes or whatever, whatever, there are variations of it. But it is kind of this year's...and I...I don't mean to demean your bill Senator Kustra, but it is sort of this year's fashion to provide this kind of a deduction or credit. No one knows how much they may cost, no one knows how much they may cost to administer. I think the...the idea behind it is admirable. I don't think anyone has an enormous difficulty with that, but it is just another example of the way in which we are using the Tax Code to achieve other

objectives. I would make other...one other point, and that is that...that, I believe, depending on the form of the bill, and I think yours is one that fits this pattern, Senator Kustra, that the value of the gift, the deduction, is also...can be taken on Federal Income Tax forms; that is, either as a business deduction or if it happened to be given to a school as a charitable contribution, so that there probably is a double benefit that is involved in the...the deduction that you are providing here. So, again, just fair warning, we are opening up a whole new area of use of the Tax Code and whittling away the Tax Code to achieve other objectives. If that is what you want to do sobeit, but it's not a good idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. Speaker, Ladies and Gentlemen of the Senate. I will not...I was going to say some of the same things the prior speaker did. This...there is...it is possible that this could be construed as...as double dipping. We are providing a credit...a tax credit on the Illinois Income Tax. There are a couple of mechanical problems here as well that I...I did want to allude to. One is the...the question of who...who is it that's going to determine the fair market value, and also there's a limitation of five dollars per student. The...the administration of both of these things could present some difficulties, and I wanted to call those to your attention as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Kustra may close.

SENATOR KUSTRA:

Well, thank you, Mr. President. I am aware that there are a number of these proposals before us this year, and I would say that this one differs from some of the other ones

anyway in that there is a cap on it, and therefore, the...that will be a limitation on the amount of dollars that would be drawn from the General Revenue Fund. Secondly, I can only add that I don't think you're going to have a long line of corporations waiting to donate equipment, but where a corporation wants to donate a piece of equipment, I think there ought to be a provision under our tax laws for some kind of benefit to them. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 736 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?...take the record. On that question, the Ayes are 55, the Nays are 4, none voting Present. Senate Bill 736 having...having received the required constitutional majority is declared passed. 738, Senator Degnan. On the Order of Senate Bills 3rd Reading is Senate Bill 738, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 738.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 738 amends the Chicago Sanitary District Act and permits persons with temporary appointments in the Chicago Sanitary District on the effective date of this Act who have been employed for two or more years, have meet the standards required for their jobs or positions to take a qualifying examine for that job within six months and be approved in that position. Because of budget constraints, the...district has not been able to pro-

vide these tests over the last few years. Now we are asking that they...that General Assembly allows the tests to be given for these hundred and fifty-eight people who are involved in the next six months. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 738 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 738 having received the required constitutional majority is declared passed. 739, Senator Degnan. On the Order of Senate Bills 3rd Reading is Senate Bill 739, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 739.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 739 also amends the Chicago Sanitary District Act regarding the construction...the creation of a construction working cash fund. The bill does four things. It expands the definition of construction purposes to include flood control facilities. Secondly, it restores the construction working cash fund and authorizes the sale of bonds to create that fund. Third, it authorizes a one-half cent annual levy to maintain the fund at the authorized level. Fourth, it makes various technical changes. Basically what we are trying to do with the construction working cash fund is what this General Assembly did

two years ago with the corporate working cash fund. And that is to allow the sanitary district to issue bonds instead of going to the market with tax...anticipation notes every year. In '82 we approved corporate working cash fund bonding for the Sanitary District; as a result, in 1983, they issued ten-year bonds for approximately forty-eight million dollars. The bottom line on those bonds is, not having to do tax anticipation notes, they resulted in a savings of thirty-three and half million dollars over the ten...ten-year period. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

One of those provisions you mentioned about was a...was a tax increase...is there a referendum on that tax increase?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

No, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson...whoop, I'm sorry, pardon me...Senator Watson.

SENATOR WATSON:

How many new taxes are we talking about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

In theory, you're talking about two new taxes, but let me expand on that for a moment. With the corporate working cash

fund, we provided for a forty-six cent tax levy. The district with the use of bonds has only levied twenty-nine cents. Two years...in 1985, we provided a construction levy of ten cents. The district uses one cent as a tax levy. The bottom line on this bill is, we're trying to get out of the business of tax anticipation notes into the business of bonding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Okay. The only problem that I have, of course, is the fact that we're having two new tax increases in the Chicago Sanitary District which...I mean, I don't know why I should care, but there is no referendum. The people have no choice, they have no opportunity to express their views and I think they should have so. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Senator Watson, we never do get a chance in...in the Chicago area to express our views, you know, we're used to that, we grew up that way. With respect to the...the working cash fund part of the bill and that's the only part I'm addressing, if there is any other part, I'm...I'm not particularly familiar with it. I had opposed that for years and years down here and then I think I finally spent enough time perhaps in '82 when we first authorized the corporate one and I have looked at the materials here, now maybe it's...it's fatigue after so many years or maybe it's the sponsor, but I really think they're right that this is a...in the long-run a savings device, and I don't think it is the kind of ordinary tax increase for something new and different that should be an ordinarily...ought...would be subjected to a referendum. It really is kind of an in lieu arrangement so that they can

move away from short-term financing, which tends to be pretty costly, and get into a longer range financing on which I...I really do believe, at least I'm persuaded, that in the long-run they will really be saving a fair amount of money. So I think on that basis, I have no concern about that part of the proposal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYICZ:

Question for a sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Dudycz.

SENATOR DUDYICZ:

Senator, what type of tax increase are we talking about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

You're talking, Senator, about no tax increase. The two taxes that Senator Watson identified will be offset by the tax that is now used for tax anticipation notes which will no longer be used and cannot be used legally.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Very briefly, Mr. President, if I may. Senate Bill 739, there should be a significant savings in interest by using a working cash fund principle in place of the annual tax anticipation notes which are...really roll around every year. Basically the half-cent that is required in this bill will be used in order to retire the interest on the bonds, but long-term, it's really a savings for the taxpayers of...Cook County by using this principle and this method. I strongly encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Degnan may close.

SENATOR DEGNAN:

Well, thank you, Mr. President. I think the Sanitary District has demonstrated its intent with the '82 legislation that we passed on issuing bonds. They ask now for us to provide the same mechanism on their construction fund. I'd appreciate your help.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is,...the question is, shall Senate Bill 739 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? You want to... (machine cut-off)...the record. On that question, the Ayes are 45, the Nays are 13, 1 voting Present. Senate Bill 739 having receive the required constitutional majority is declared passed. 742, Senator Vadalabene. On the Order of Senate Bills 3rd Reading is Senate Bill 742, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 742.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President, members of the Senate. Senate Bill 742 allows organization licensee from purse money to pay an...to an organization of horse owners and trainers which has negotiated a contract with the licensee an amount equal to one percent of the licensee's retention. The bill has been worked out with the track owners and all the other people involved around the track, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? Senator...if not, the question is, shall Senate Bill 742 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 742 having received the required constitutional majority is declared passed. 744, Senator Jones. 745, Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 745, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 745.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. Senate Bill 745 is a bill designed to clean up a technical flaw that exists currently in the...the levy rate for the Chicago Board of Education as it relates to the...its building fund. Two years ago when we passed the legislation as relate to the difference between that tax levy by a school finance authority and...and that portion that they do not levy which we gave to the Chicago board. What this bill does is permit the Chicago board to levy that tax...for this year and other calendar years in the future, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 745 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays

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are none, 3 voting Present. Senate Bill 745 having received the required constitutional majority is declared passed. 748, Senator Donahue. On the Order of Senate Bills 3rd Reading is Senate Bil 748, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 748.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 748 revises the definition of a place of business in the State of Illinois. The reason that we are doing this or need this is those of you that represent districts that border other states, you will find that your businesses are being taxed by those surrounding states but also the...but cannot tax...they are being taxed...our people are having...all right let me start over...start again, 'cause this is confusing and I don't want people to get confused. In the place of businesses when our people go to Missouri, say, and buy a piece of furniture, they do not pay Illinois sales tax. But when a Missouri resident comes to Illinois and buys from a business, say, in Quincy, he pays...our merchants pay Missouri tax. We feel this is very important and it's an unfair advantage to the border businesses that...in the states surrounding us, and I would move...and hope for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, I rise in support of Senate Bill 748. Those of us who border the Mississippi River in the metro-east area are

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having the...the exact problem and all of us should support Senator Kent's bill because of this situation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I...I'd like to also...and intend to support this bill and I'd like to get...leave from the sponsor as well as the membership to be added as a hyphenated sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Kelly seeks leave of the Body to be added as a hyphenated cosponsor. Is leave granted? Leave is granted. So ordered. Senator Kelly. Further discussion? All right. If not, Senator Kent may close.

SENATOR DONAHUE:

Thank you. It's Senator Donahue, and I just ask you for your most favorable support.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Question is, shall Senate Bill 748 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 748 having received the required constitutional majority is declared passed. 749, Senator Kustra. On the Order of Senate Bills 3rd Reading is Senate Bill 749, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 749.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senate Bill 749 deals with one of the toughest problems facing our society today and that's what happens to the kids after a divorce. Traditionally, the courts have awarded what is known as sole custody, and if you look at the studies that have been done and the interviews conducted on children who have gone through this, one of their great fears is that they will be abandoned by one of the parents, the parents...parent who did not get sole custody. We do have a provision in the Illinois law for joint custody. The problem is that the existing Joint Custody Statute does not permit a court to award joint custody in appropriate cases without the express agreement of both parents. Thus, it enables the parent to use the child as a tactical pawn in a potentially bitter sole custody battle, and it ignores established evidence of the child's continuing need for both parents after the divorce.

Senate Bill 749 allows the court to award joint custody when the court deems this to be in the...interest of the child. Upon a motion, divorcing parents are requested by the court to work out a parenting agreement which is tailored to their specific situation and which must detail each parent's rights and responsibilities regarding the child. The court may order mediation to aid the parents in reaching the agreement and, if necessary, may itself resolve their remaining outstanding differences; however, if the court finds joint custody not to be in the child's best interest, it may award sole custody. The court's power to award sole custody therefore is not changed by Senate Bill 749. Senate Bill 749 thus restores the court's rightful ability to provide the child with a stable, continuing relationship with both parents after the divorce. In addition to the support that I received from my cosponsor, Senator Topinka, I would like also to acknowledge the help from Senators Marovitz, Lemke and Geo-Karis in the work they've put in on this particular

piece of legislation in getting it to its present state as...as before us right now. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the...the Senate. I think this is a very important piece of legislation. There are many cases where today a judge would like to award joint custody, but is not legally able to do so unless the parties agree. We wrote into the law that the judge now can do so if he feels it is in the best interest of the child, taking all circumstances into consideration. In addition to that, I think it should be made clear on the Floor that nothing in this legislation is deemed to mean that joint custody...an award of joint custody means equal physical custody, equal residential custody, that is still up to either...either...either agreement of the parties in the Parenting Act or determination by the judge, and nothing...regarding joint custody should presume to infer that the joint custody is equal...physical custody. I think this is a good bill. I think it's important and I think we can leave it in the hands of the judges who will hear all the evidence in the factual situations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I do an awful lot of this work and I can tell you right now, I'm a firm believer that both parents should be available for a child's welfare. And we...this bill is destined to avoid having vindictive parents who want to use their children as pawns...as pawns rather than having them have the opportunity of two good parents to advise them and...console them

and...and comfort them through life; and I think Senator Kustra spoke it very well because there was a fluke in the law we didn't catch last year and this bill covers it, and Senator Marovitz is also correct in what he said, and I move the passage...I support the passage of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, Senator Kustra's bill I think is a wonderful attempt to try and hold families that are apart in some ways together, at least in terms of the child. I do speak in behalf of it. As one who has a...joint custodial situation, it is a difficult thing to master but it does force parents to act like responsible adults and does provide a tremendous opportunity for children to continue in a life that they would like to see hold together as much as possible. If we could, you know, engender your support on this bill, I think you're going to really do an awfully good deed for an awful lot of people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Mr. President, is anybody against this? Well, what are we doing? We're going to be here forever, and...nobody...everybody...doesn't have to talk on everything.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR KUSTRA:

I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 749 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 59, the Nays are none, none voting Present. Senate Bill 749 having received the required constitutional majority is declared passed. Senate...Senate...750. On the Order of Senate Bills 3rd Reading is Senate Bill 750, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 750.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President. I might point out, I don't know anybody that's against this one either. But...I think it would be a good idea to explain the bill. The...the amendment becomes the bill and the amendment states that if a person is supervising two medical laboratories currently they may continue to do so. The reason for this clarification in the language apparently has to do with a conflict between Federal law and State law as to how many medical laboratory directors can supervise medical laboratories. And the Illinois Department of Public Health prepared this amendment, that is the bill, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the...the question is, shall Senate Bill 750 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 750 having received the required constitutional majority is declared

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passed. 756, Senator Chew. Can we break up the conference in front of Senator Chew? On the Order of Senate Bills 3rd Reading is Senate Bill 756, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 756.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President and members. This just deletes an obsolete reference toward insurance. There's no opposition. There was an amendment attached which deals with handicapped people toward the seat belts. I would ask for your favorable...support.

PRESIDENT:

Any discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he will yield, Senator Hall.

SENATOR HALL:

Senator, I see that it deletes the reference to an obsolete type of insurance coverage which no insurance company writes anymore. Would you tell me what that is?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Yes, it dealt with a date...the insurance had to expire at the time of the license period and that's the part that it deletes.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 756 pass. Those in favor will vote Aye. Those

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opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 756 having received the required constitutional majority is declared passed. Top of page 17, and for...we have yet to reach and we will intend to go to page 27 before we conclude our business today. We'll work straight through. Top of page 17, Senate bills 3rd reading, Senate Bill 760, Senator Marovitz. On the Order of Senate Bills 3rd Reading, Senate Bill 760. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 760.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. We amended this legislation to take care of the questions and concerns that were brought about in committee. This is not a mandatory seat belt law anymore for...for school buses. This is local option only. Any school district that feels that they want this, they have the option to...to do this. We've taken the mandatory provisions out of it. It applies to Type One school buses only, that of the larger school buses of over eight thousand pounds. The Type Two school buses are already covered by Federal regulation, and I would solicit your Aye vote.

PRESIDENT:

Any discussion? Senator Darrow.

SENATOR DARROW:

Will the sponsor yield?

PRESIDENT:

Indicates he will yield, Senator Darrow.

SENATOR DARROW:

Why is this necessary? Why can't school districts put seat belts in their buses now if they want?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

In the first place, there's no standardization whatsoever, which is now in...in the...in the law and it provides for the State to...to cover this. They can do this at their own expense, but this is a...if a local...if the locals want seat belts, this is a seat belt bill where the State picks up the...the tag.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield?

PRESIDENT:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

The State picks up the check? Who...how much is this going to cost us?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I have not got a fiscal note. I'm not sure if you can...you can get different figures from different people depending on where the school bus is bought. So it's...you know, there's now way to tell if any schools are going to opt in at all...are going to do this at all. The fiscal impact could be zero, but it really depends on how many...how many school districts...decide to opt in and what the cost of that bus is going to be,...we've gotten cost that...that vary from...I think Senator Nedza has got the...the figures on the

cost. Senator Nedza was chairman of the...is chairman of the Transportation Committee and is cosponsor of the legislation.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well,...question.

PRESIDENT:

Indicates he'll yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Marovitz, it says the cost will be borne by the State. Is this going to come out of the Common School Fund share of the appropriation from general revenue?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I am told that this comes out of a special fund in the General Revenue Fund. Is that correct, Senator Nedza?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, I don't know of any special fund in the General Revenue Fund dealing with seat belts, and it is either General Revenue Fund that's appropriated to the common school or the school appropriation or general revenue appropriated period. Now, which is it?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

GRF.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, I...I think those of you who may feel some inclination for this bill better stop and think that this is General

Revenue Fund which is monies we appropriate into the Common School Fund, and any money that comes out of general revenue just reduces that amount of money that's available for what you may think it's necessary, where it's public aid or school fund, whatever, et cetera. This is not an idea that a school district could ask for now and do if they want to assume the liability of the cost. If they think it's a great thing, then let's let them do the cost of it out of their own local tax levy which they have the control of, and let's not try to put a burden on the State GRF which most of the school districts are not going to participate in the first place.

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Yes, I'd like to ask the sponsor a question. I know I'm standing next to him here.

PRESIDENT:

He indicates he'll yield.

SENATOR KELLY:

You say this is just a Class One...what about a handicapped bus? Is that already covered? Where do we stand with handicapped buses? The smaller ones.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

They're exempt from this.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Okay. They're exempt, but do they have to...do they have seat belts now in...when you say they're exempt? Well,...I'll tell you what, briefly, I guess I'll just mention a personal experience and I hate to give somebody a horror story on something but I think maybe it will...it'll

bring some light to this subject because it was moving for me. Because I've been trying to help a handicapped kid and his parents on something for some time now, and I was advised a short time ago that...that a bus driver in a small van had an accident and...first week on the job, and little guy was in a seat belt and he was the last one on the bus and they got everybody else off but this little guy and the bus had a fire. And I just think when we consider all this legislation, we should consider that type of thing. I think it ought to be voluntary on the smaller vans and leaving it up to the discretion of the district or to the...the driver in some cases, 'cause these kids can't get out of them.

PRESIDENT:

Further discussion? Senator...Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Clear up some of the fallacy of...of some of the other speakers. You normally will hear that you don't need them on the...on the Type One buses because of the fact that the impact area is lower than what is normally construed in...in automobile accidents. But in fact...if any of you have seen buses roll around on the roads when there's high winds, buses are normally top-heavy and you're going to take a child and you're going to secure the child into a seat belt. As far as an accident is concerned getting direct damage from the impact of the crash, they will be jolted...to some respect, but if that bus was to tip over, you are going to have a great array of injury to those children because of the fact there's nothing to hold them into it. The argument for the compartmentalization of school buses is valid, when you're having a front-end collision, because the...compartmentalization theory is that the child will either be thrown into the seat which is in front of them to cushion the blow and thereby...minimize the amount of injury

to that specific child. By the same token, if the bus was to be hit with any severity from the side, the child is jolted into the other child into the...into the...the aisle or into the seat which is on the other side of the aisle, and there is no compartmentalization in that respect. We have mandated and put into law that adults have to wear seat belts in their automobiles in the front seats. There's no better way of invoking that law, and I was not a proponent of it, but as long as it's on the books and we have to live with it, let's start...having the children learn how to use it in their school life like we teach them everything else, and I'd move your...for your support for this bill.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Will the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield, Senator Poshard.

SENATOR POSHARD:

Senator Marovitz, I guess one of the concerns that I have...I was under the understanding earlier that if seat belts are installed in the buses, it will reduce the number of kids that can ride per seat from three to two because of the space that the seat belts take up. In my district, the buses are filled with kids three to a seat. If they can only now ride two to a seat, they're going to have to buy additional buses to transport the kids. Is that true or is that not true from what you understand?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

This will not affect your existing buses at all. It only affects buses that are manufactured after December 31st, 1986. So it...it begins in 1987. It doesn't affect your

present school buses at all, and, again, it's ...it's up to the local district anyway. So if they don't want to do it, they don't have to do it. There's no mandate whatsoever in this. We've taken all that out, this is just a local option.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

But in your discussions, do you know if the new school buses or the buses that are manufactured now, can we...still ride three children to a seat with seat belts as we now do, or is that going to be reduced to two?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

The...the new school buses only have two to a seat. Okay. So, now that's if they choose to get them. If they don't choose to get them and they maintain their present buses or they don't want go...to seat belts, they don't have to. It's up to the school district. We're just leaving it up to them and saying, if this is what you want, if this is what your parents want, then we're going to make that available for you.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you...thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Davidson has already pointed out that the...the funding for this program has to come out of GRF. There is something else I want to call to your attention...in this regard and that is, there is provision within this...within this bill which says that if there's not enough money to go around, we'll start prorating it. And I think we've all had a great deal of experience already with funding...insufficient funding of school programs in which we

say that if you do this, we'll...we'll pay for it and then we end up not doing it at all, and that is exactly the way this...this bill is written. I would also point out that the bill would also put the schools in...a Catch-22 situation in that our own Illinois law says that in those instances where school buses have seat belts or...pardon me...let me...just let me read here. It says that, "These buses have to conform to the equipment requirements established by the Department of Transportation." I would just point out that there are no equipment requirements established by either the Federal or the Illinois Department of Transportation in this regard. So they can't...they're put in a position of having to conform to standards which do not exist.

PRESIDENT:

Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Your Honor. Question to the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Chew.

SENATOR CHEW:

There are many people in the State of Illinois, private citizens, that own school buses that do in fact transport school children. Is the State going to bear the expense of that kind of vehicle for the installation of the seat belts?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

No.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

If that school bus is employed by the school district, the State still does not pick up the tab on the installation?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

If that school bus is employed by the school district and the...and it is a Type One bus and the district desires to have seat belts, then the State would in fact pick up the tab.

PRESIDENT:

Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. Senator, do we understand that this is a voluntary move, you do not have to...those buses that are equipped after 1986, must they be equipped with the seat belt manufactured?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

No bus has to be equipped with seat belts after 1986 or any other time. This is strictly a voluntary program, there is no mandate whatsoever in the language.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

So one would have to order his bus with the equipment in order to have it installed at the factory?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

That's correct.

PRESIDENT:

Senator Chew...all right. Further discussion? Any further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. The price tag on this bill, as I have been pointed

out...has been pointed out to me, is between one thousand and three thousand dollars per bus. That estimates to about two million dollars was what the projection we received, about two million dollars in costs, because very few school districts are going to do this. Now, I think two million dollars in costs to protect our kids from head-on, side collisions and rear-end crashes from being tossed around in the buses, I think that's a very small cost for districts where the parents and the elected officials want seat belts on the buses. We have mandated that all of us in our cars have to have seat belts; it seems a little ridiculous to say that a district and parents who want seat belts and a school board who wants seat belts on their buses can't have them or we're not going to give them any assistance. And if the cost is as small as we're talking about, which is what it is, my gosh, I think it's a small price to pay for the safety of our kids, and I would solicit an Aye vote.

PRESIDENT:

The question is, shall Senate Bill 760 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 21 Ayes, 35 Nos, none voting Present. Senate Bill 760 having failed to receive the required constitutional majority is declared lost. 761, Senator Marovitz. On the Order of Senate Bills 3rd Reading, Senate Bill 761. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 761.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

If I can have the attention of the membership, WCIA-TV wishes permission to videotape. Sam, kind of spin around,

they're right up behind you there. Okay. Without objection, leave is granted. Senator Marovitz on Senate Bill 761.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 61 is one of the financial disclosure bills that came out of the Financial Institution Committee. We've worked on this bill with the banks, and to my knowledge, they have removed their objections to the legislation.

In recent years, interest rates which were historically limited by Federal law have been deregulated, and therefore, financial institutions offer numerous types of accounts that pay interest. They can even pay interest on checking accounts which was prohibited until 1980. Consumers no longer have a single, fixed interest passbook account and a single, free checking account. This bill, Senate Bill 761, meets the needs of these confused consumers without imposing any undue hardship on financial institutions. The bill requires financial institutions to disclose terms which apply to those savings and checking accounts which earn interest. While many financial institutions make some of the disclosures which will be required, very few institutions make them all. Furthermore, there is no standard way of making the disclosures and the banks agree that there should be a standardized way of making the disclosures. An individual shopping for an account has no convenient way to...to compare various accounts and varying interest rates. For many years Federal laws required the disclosure of loan terms, there's no similar Federal Statute requiring disclosure of interest terms. I know that the banks have removed their objection. I would solicit your Aye vote.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS:

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

Senate. As minority spokesman of Financial Institutions who worked with the original bill that we opposed and it came out on partisan roll call. As amended, some of the bank...the bank groups are no longer opposed, but we still don't think it's that good an idea. Let me explain some of the technical problems. One is...the accounts that are not covered, one of them happens to be commercial accounts. Well, if you're a huge company, that's one thing; but if you're a small company, what this says is, you know, the little guy, which is the excuse for the bill, isn't covered, because the small business commercial account would not be covered. In terms of furnishing the information, it doesn't have to come out till the next regularly scheduled mailing. So in terms of time frame, what it says is, if you don't want to do it, don't do it. But there are some things...there are no penalties for not doing it, but the Department of Financial Institutions will prescribe forms for the disclosure, and so while there's little that the bill adds, it will cost time and effort to do it. And if there's time and effort involved, that means money. Who's going to pay for this service that really has no bite to it? By and large the consumers who are going to the bank or whatever financial institution involved. And yet, it might cover a bank or financial institution...or a savings and loan, but it doesn't cover companies that have mutual funds, insurance companies, whatever, which happens to be some regularly changing rates. So we've kind of missed everybody we intended to hit but we have increased costs a little bit, and those costs will be passed on. So what we're saying is, if you're increased in cost and you're not getting anything for it, why are you doing it? So, in that case, we would say, for the good of the little guy, to protect the consumer because we're for rightness and mercy. We ask you to vote No.

PRESIDENT:

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

END OF REEL

REEL #7

SENATOR MAROVITZ:

Well, first of all, I want to counter what...the erroneous points that were made on the opposite side the aisle. Commercial accounts were exempted because that's what the banks asked for and...and dealing with commercial accounts, those are the people who have far more expertise in dealing with these types of accounts and are well...well aware of what the interest rates are and what the changes are. These notices can't be sent out willy-nilly whenever a mailing comes. In the legislation, there is a ninety day limit. So, that is incorrect, and as far as...as far as what the sanctions are, there's always a lawsuit, as well as...as well as jurisdiction by the bank examiners. We have worked very hard on this legislation...with amendments paring down what some of the...some of the banks felt they couldn't work with. We eliminated all of those things. When you talk about the consumer, the consumer wants this legislation because they want to know what the terms are and what the interest rates, it's...it's...it's become increasingly confusing and I...I don't know what we...what we should be hiding from the consumer and...and why we should be afraid from giving them the kind of information that'll make banking for everyone a lot more easier and more...a lot more convenient.

PRESIDENT:

Question is, shall Senate Bill 761 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 30 Ayes, 27 Nays, none voting Present. Senate Bill 761 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 766. I understand the sponsorship is not as reflected on the Calendar. It is Senators Bloom, Dawson and Carroll. On the Order of Senate Bills 3rd Reading, Senate Bill 766. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 766.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Sam,...I didn't realize what...this is somewhat of a hot potato. It's kind of like "Rosemary's Baby" in...in one way. Does...Senator Dawson or Senator Carroll, would you like to be the engine and let me be the caboose?

SENATOR CARROLL:

No.

SENATOR BLOOM:

No...we shouldn't. Here's the issue. In 1979, when the Nursing Home Reform Act was being presented, as those of you may recall, then Senator Daley carried it, hospitals were written out in that and...it was one way to keep it from being complicated and in another way, at that point, hospitals were not perceived as overbuilt and were not wanting to get in the nursing home business. What the bill does, and I have no strong feelings about it one way or the other, although it does reflect some conversations we had at breakfast...Senators Dawson, Carroll and myself and

the...Senator DeAngelis and the head of the hospital association Wednesday. It merely says that the distinct portion of a hospital, sanitarium or other institution which provides through its ownership or management personal care, sheltered care, skilled nursing care or intermediate care as defined by various titles of the Federal law would be included as under the Nursing Home Act and would have to comply with the regulations therefore. The hospital association feels that their long-term care units are different, that the average stay of patients there are twenty days only and it's probably more intensive. The issue presents itself in with...when the hospitals get into longer term sheltered or intermediate care nursing. Then, it becomes time for the General Assembly to make some policy judgments and draw some lines. So, the bill is out there for your discussion and vote. That's about as even a presentation as I could give.

PRESIDENT:

Any discussion? Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, as was said, that...if the hospitals are going to get into the long-care facilities...long-term care, then we think that they should come underneath the nursing home regulations for that section of their facility that they're going to use for that, and I solicit an Aye vote.

PRESIDENT:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I strongly encourage you to vote No on Senate Bill 766. As the bill's initial sponsor, I intended that it provided equal protection to all the nursing home residents. I am now convinced that there are two kinds of long-term care and their differences should be recognized and respected.

Free-standing nursing home care, first, a residence and, second, a medical facility. The individuals who reside in a nursing home usually live there for the remainder of their lives, often five years or more. Illinois Nursing Home Care Reform Act ensures that nursing homes provide adequate medical services and adequate residential environment. A nursing home licensure, therefore, has been designed to protect the senior citizen, developmentally disabled individual and persons who...with chronic conditions but who stay in the institution on a long-term basis. Hospitals providing long-term care provide a different service from the free-standing nursing home. And over a third of the hospitals in Illinois are currently providing intensive post-hospital extended care and their patients receive high intensity nursing and rehabilitative care and then are discharged within thirty days or less. Hospital based long-term care units must meet all licensure requirements of an acute care hospital, and hospital licensure requirements are appropriate and necessary for such an intensive medical service of the most unstable of long...long-term care patients. Illinois hospital long-term care units have an excellent record of safety and care, and there would be catastrophic costs associated with Senate Bill 766 and hospitals would have to maintain two licenses and be surveyed by two different agencies, and they would have to make structural changes to build residential living areas that are not indicated for their patients. Free-standing nursing homes are not equipped in most communities to care safely for the patients now served in hospital long-term care units. And I am convinced, in closing, that we do not have a problem with hospital based long-term care. And Senate Bill 766 would create a problem and, Mr. President and members of the Senate, that is why I have I respectfully withdrawn my sponsorship of this bill. Please vote No with me on Senate Bill 766.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, thank you, Mr. President. I had a bill called Senate Bill 624 which went...underwent quite a considerable debate and discussion, and out of trying to salvage a bad situation, I Tabled the bill and I think that, Senator Bloom, I would like to make the same request of you to...since you considered this to be "Rosemary's Baby."

PRESIDENT:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me just say that I was not aware of this bill until sometime today as well but did observe in...in looking at the record on it that it came out of committee nine to nothing, and there's probably a very good reason for that, it was bipartisan support; and it says something very simple and I cannot understand why the objection, very honestly, because it says that if a place is a nursing home, it's a nursing home, period. What it says specifically is that if a hospital chooses to dedicate a portion of its beds forever and ever as nursing home beds, not hospital beds...you're not talking about hospital quality care. You're talking about the hospital saying, a floor, a wing, a building will no longer give hospital care, will now give nursing care under a different reimbursement plan, not under DRG's, not under the Hospital line item, they'll be paid out of the Nursing line item in which case they should be regulated by the State, and the State's regulation happens to be called the Nursing Home Reform Act and there...it is so logical that a nursing home is a nursing home is nursing home wherever it is located. I don't see why the problem. The hospitals happen to be the referers of the vast majority of nursing home patients,

whether they put them into a nursing home or their bed will be their choice, and to say that a resident, and it's not for years often, it's for months, however, to say that a resident has rights only if the hospital tells them to go down the street as opposed to the hospital saying, stay in one of our beds, to me is illogical. The rights we imposed on behalf of these people should apply wherever they happen to reside, and if the hospital wants to dedicate a section and become a nursing home, let them make that financial decision, but let the patient be protected which is why we passed the Nursing Home Reform Act. I think it just that clear.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Watson.

SENATOR WATSON:

Whoever that might be.

PRESIDENT:

Senator Bloom.

SENATOR WATSON:

Can you tell me when a hospital converts to...to nursing home beds, do they have to get a certificate of need? Is that established at all?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

It's my understanding that if you go from a...acute care to long-term care, that you do go through the certificate of need process, but I'd seek the assistance of my fellow sponsors who might know with specificity, but that's my understanding.

PRESIDENT:

Senator Watson.

SENATOR BLOOM:

Well, I answered it.

PRESIDENT:

I beg your pardon, Senator Bloom...

SENATOR BLOOM:

If it's more than ten, correct me if I'm wrong, Senators Carroll, Dawson or Senator DeAngelis or anyone else who speaks nursing home. Thank you.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

More than ten beds. Is that...okay. One of the previous speakers mentioned and said, a portion of the hospital wants to be converted to a nursing home. How many beds are we talking about conversion? How many come up...if we got one bed, we're going make into long care facility? Is this going to be into this, two beds, what are we going to do?

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

The bill itself says,...and I read from it because I, quite frankly, don't speak nursing home. "Except for any distinct portion of a hospital, sanitarium or other institution," and then it goes on to describe...the various levels of nursing home type care. It doesn't speak in terms of beds, it...it speaks in terms of a distinct portion. I assume it's envisioning a floor or what have you.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

It...it's obvious then it doesn't identify; in fact, if they've got...a lot of hospitals have what they call Medicare

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3rd Reading

beds which are swing beds and we...in the smaller rural hospitals this is very predominate process by which people are moved out of the hospital into what they call a swing bed program. They are Medicare programmed and it would be considered probably long-term. As a result now, we're going to ask them to...to be licensed under the Nursing Home Act and I...I just...I don't think that necessarily that's a good idea. And another thing, if they're going to have to comply with...with this Nursing Home Care Reform Act of 1979, that's going to be costly. Now I noticed that the sponsors of this legislation are the very ones who are quite concerned about the high cost of medical care. They're the ones who promoted the...the cost containment legislation and now we're going to come in and ask for more regulation on the hospitals, it's going to be more costly in that...as a result somebody is going to pay. What's going to happen? Rates are going to go up. I just think this is a bad idea and I would follow Sam Vadalabene's lead and vote No.

PRESIDENT:

All right, we have eight additional members who are seeking recognition. Senator Bloom.

SENATOR BLOOM:

...at this point, I think maybe we should take it out of the record...my...my joint...

PRESIDENT:

Sponsor has requested it be taken...

SENATOR BLOOM:

...sponsors don't want to, I'll give you guys the chief sponsorship then if you wish. I didn't ask for this hot potato.

PRESIDENT:

The sponsor has indicated he wishes to take it out of the record. Take it out of the record. 779, Senator Dawson. On the Order of Senate Bills 3rd Reading, Senate Bill 779. Read

the bill, Mr. Secretary.

SECRETARY:

Senate Bill 779.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate, the joint...Joint Tortfeasors Act does not apply to...apply to employers who are liable for workers' compensation benefits. Employers liable for workers' compensation benefits under the Workers' Compensation Act or the Workers' Occupational Disease Act shall not be subject to liability in tort cases, and also one other, it had a correction of spelling of convenient...conveyance. If you have any questions...

PRESIDENT:

Any discussion? Senator Friedland.

SENATOR FRIEDLAND:

Thank...thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. This bill would overrule a Supreme Court decision in...in 1984 of Doyle vs. Rosen and protects the legislative right to determine how the cost of industrial accidents should be allocated. It reinforces the existing provisions of the workers' compensation Statute, telling the Supreme Court, we meant what we said. This bill does not, I repeat, does not repeal the Scaffold Act nor does it abolish any existing cause of action for personal injury. It simply provides that an employer liable for workers' compensation benefits shall not be compelled to become a party in a jury case or pay jury verdicts. Further, restores Illinois employers the same legal position their competitors have in other states. It's a good bill. I urge you to support it. You'll feel better about it in the morning. Thank you.

PRESIDENT:

Further discussion? Senator Keats.

SENATOR KEATS:

This bill...if you've ever felt that the courts have rewritten laws despite what the Legislature has...has done, this is a perfect example. Under workmen's compensation is it a no fault. An employer does not even have the right to investigate whether the employee was at fault or not 'cause it's irrelevant. The court has said, doesn't matter, you can still be sued, you can still be liable. They are basically doing away with the concept of no fault workmen's comp. If you were an injured worker, would you want workmen's comp. to be taken away as a no fault? That would...you would lose the entire program.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President, and I rise in opposition to 779 for a number of reasons but mainly because the...the bill would prohibit bringing the negligent employer into the suit, and that in...fact...could, in fact, penalize the...the employer's rights to full applications under the law. So, I'd ask for an...a No vote on the bill.

PRESIDENT:

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

SENATOR DAWSON:

Mr. President, Ladies and Gentlemen of the Senate. This is a way of bringing down some of the workers' compensation costs, and I ask for a favorable roll call.

PRESIDENT:

Question is, shall Senate Bill 779 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?

SB 780
3rd Reading

Have all voted who wish? Take the record. On that question, there are 38 Ayes, 11 Nays, 1 voting Present. Senate Bill 779 having received the required constitutional majority is declared passed. 780, Senator Etheredge. On the Order of Senate Bills 3rd Reading, Senate Bill 780. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 780.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the sales tax/property tax switch bill for counties. There are several points that I would want to make about this legislation. First of all, that it applies to all counties in the State of Illinois except the County of Cook. Cook is a home rule county. It's the only one we have. They can do as they please anyway. So, it applies to the hundred and one downstate counties. What the bill says is that it is permissive. It says that if the board...the county board chooses, it may impose a sales tax equal to one-quarter of one percent which would piggyback on the State sales tax. That is to say this quarter of one percent would not apply to food and to drugs, if the county board so elects. Then, they must forego part of their property taxing power. In the more populous counties, the property tax cap is now twelve cents per hundred, that would be reduced to nine cents per hundred. In the less populous counties, they now have a property tax cap of twenty cents per hundred, that cap would be reduced to fifteen cents per hundred. I'd be very happy to respond to any questions.

PRESIDENT:

Any discussion? Senator Darrow.

SENATOR DARROW:

Would the sponsor yield?

PRESIDENT:

Sponsor indicates he'll yield, Senator Darrow.

SENATOR DARROW:

Senator Etheredge, you had a handout passed out earlier today and I have a question. If you look at Christian County, for example, you have a zero under the third column. Does that mean that there will be no tax relief for Christian County...or no tax increase...no tax decrease for Christian County?

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

It...what that means is that Christian County...in Christian County they're not levying at their maximum rate; therefore, they would not be mandated...under the terms of this Act to reduce their property tax, but...certainly they would have the option to do that.

PRESIDENT:

Senator Darrow.

SENATOR DARROW:

Well, thank you, Mr. President. I would like to speak against this legislation. If you look at this handout, you will notice that there's a number of counties, including my county, Rock Island County, where this legislation will mean no property tax relief whatsoever. What it will be is an increase in the sales tax for the counties and if...nothing but a tax increase. Counties are short of funds, counties have great dreams, great expectations; for example, in Rock Island County, we would love to have a...a public beach. We don't have the funds. I can see the county board implementing this, levying the tax and building a beach. What...if you

want to talk about referendums, back-door referendums, front-door referendums, this is even worse. We're not giving the voters any choice at all. What we're saying is, increase the sales tax. Go ahead and increase it, county board, we're giving you that power without your constituents voting on it. There will be no tax...tax reduction, property tax...reduction in a number of these counties. Furthermore, what you're doing...what you're doing is you're saying, let's shift the tax burden again. Let's shift the tax burden away from the property owner, and not only in the residential property owner but the corporate property owner, and let's shift it to the little guy, the guy that has to pay the sales tax. That's the theory, that's the philosophy that comes from the other side of the aisle. We've fought it for years. This is a bad piece of legislation. Senator Sangmeister was right last week when he spoke against it. I would hope that my fellow Democrats and right thinking Republicans would vote against this...legislation. Thank you.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I echo the sentiments of my colleague, Senator Darrow, completely. There's no referendum in here and I see where my county will end up getting six million dollars for its county board government, and I can tell you the people that...in my county don't want anymore taxation and particularly when there's no referendum. I'm sorry, but I have to speak against the bill.

PRESIDENT:

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you. I...just along the same line, I...in every one of my counties, five of them, there would be a tax

increase in total tax. One would go up twenty-five percent; one, two hundred and fifty percent increase and; one, as was mentioned, Christian County, would go up five hundred percent with no property tax reduction. It was my original impression of this bill that one of the purposes was to have an offsetting on property tax. It doesn't seem to do it, so I would ask for a No vote on this bill.

PRESIDENT:

Further discussion? Senator Hall. Senator Sangmeister.

SENATOR SANGMEISTER:

Well, rapidly because I spoke when we were on the amendment stage, I wish all of these opponents that are coming out of the woods all of a sudden would have been around, I'd been happy to have you on my amendment and maybe we would have gotten somewhere on it. As it is, I agree with Senator Darrow. We, again, as we always talk about the regressive sales tax...come along way here. Once upon a time, we were...we had a program worked out where we were going to take it off of food and drugs, we were going to keep reducing it down until it's gone, then we were going to work on reducing the sales tax altogether and get rid of that horrible tax. Now, the RTA came along and in the collar counties we popped on another quarter...now, we're going to give the counties a chance to pop on another quarter. Terrible idea. Particularly when...as I understand it, this group that has been organized and is seeking ways to raise funds for counties is just getting its feet on the ground, let it give them a chance to explore other avenues. This is a terrible way to go.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I would like to quickly point out, however, that some of the opponents that are speaking

today are the very same people who were quite happy to impose a sales tax on Cook County and the collar counties when it came time for the RTA. I...at least this is permissive.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I'm not sure where we're going and...and I'm also not sure exactly why we want Statewide on this. It originally was aimed at the collar counties. Frankly, over the last few years, county government in Illinois has reeled under one financial disaster after another. They lost the collection fees, they've lost their sales tax revenue as every large shopping area has been quickly annexed into the municipalities, which is, frankly, good, orderly growth and probably ought to be that way. We've slugged them with one mandate after another. We have a gang from corrections going around telling them to build new prisons, new jails. Mandate after mandate has flowed from this room to county government with little regard for how it would be paid for. Property tax revenues have stabilized and in some cases dropped off and we pour mandate after mandate out. The chickens have come home to roost, ladies and gentlemen, they've come home to roost in a very appropriate place, this Chamber and the Chamber across the way and the Governor's Desk. Those services that we so gleefully thought the counties should provide do have to be paid for, and unlike Federal Government, they do not have printing presses, they will have to exercise some sort of tax. They will have to make some sort of...take a roll call and...and impose this tax. We will not impose it. We will authorize it. I would be the first to agree that I'm sure they'll give us our share of their credit when the tax is implemented, but we have a vital unit of government. We've heard a lot of talk here in the last couple of years about the fact that we have too many special

units of government, but one of the reasons we have so many special units of government is every time anybody comes up with a new problem, none of the existing units of government have any capability to handle it. So, they say, don't look at us, go form a new unit of government. Suddenly we got sixteen thousand units of government. I would suggest to you that on a Statewide basis, county government is a logical place to repose certain responsibilities and powers, and a logical place perhaps to even expand as the needs become apparent and as we tried to eliminate some of the duplicity of units of government we have, but county government cannot survive under its current financial structure. This is an alternative. We all know the property tax has been beaten into the ground. Frankly, we ought to do this or just wait for a...a real crisis and maybe we can have fifty-five hundred county...employees and elected officials down here like the doctors.

PRESIDING OFFICER: (SENATOR LUFT)

Any further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Ladies and Gentlemen of the Senate, part of....part of you apparently didn't read this bill. It's permissive. If you don't...those of you who spoke in opposition to this bill, it mandates a reduction in the property tax if they're above .9 in big counties and whatever it is on little counties, I think it's .15. It's in nothing, nothing would prevent the county board in those counties who don't have the levy at the maximum to voluntarily reduce it. If, and the big word if, the county board feels inclined to enact the ordinance it would make this happen. Now, it exempts food and drugs and whatever else the State sales tax is exempted from, and I'm certainly sure...every one of you who got up and spoke against this bill, I'm certainly sure you have faith in your own other elected officials in your home

county, if they have an opportunity to reduce the property tax, they'd do it. Maybe you feel that way about your county board, George, but being a past county board chairman who spent three years as chairman who reduced the operating tax levy on Sangamon County for three straight years when started receiving the one-twelfth income tax, I think every county board is looking for some way to reduce the property tax at all possible. And we're laying the jail mandate on it, maybe your county doesn't need to build a twenty-five million dollar jail and lay a property tax on, but this is a way we can do it in Sangamon County if this bill becomes law. I urge a Yes vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As Senator Davidson has said, this is permissible. Now, I happen to know that my county is supporting this and if we can get some tax relief, we're certainly going to. I ask for it, and I would like to say that I would urge everyone who could see their way to give this an affirmative vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

I only rise a second time because my name was used in debate. Senator Davidson, I would say this to you, you know, I have a county board that went out and spent over a million dollars and bought a Sears building for an addition to their courthouse. All they had to do was wait, Sears couldn't get rid of the building and they would have given it to them for a tax deduction. That's the kind of county board I got, and I'm going to give them another two and a half million dollars now to operate out of there? No, not...not with my vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Well, he indicates he'll...he'll yield.

SENATOR HOLMBERG:

Senator Etheredge, I'm looking at my own county, Winnebago, which I...I know is...is supporting this particular piece of legislation. Right now they bring in in the way of property tax revenue about one and a half million dollars. With a quarter sales tax increase, it would be almost three and a half million dollars. Would it be possible, under this bill, for them to reduce their property tax to nothing? Something the people have been asking for for years.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, it certainly would. It certainly would.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Holmberg.

SENATOR HOLMBERG:

I think we should really think, in fact, some of the people who have spoken against the bill should take a look at that as a very, very positive possible consideration that you've finally given the counties the wherewithal to get rid of the property tax, in many cases, something that the public has wanted for a long, long time.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, ladies and gentlemen...and thank you, Mr. President. I really wasn't going to rise and speak on this issue, it's really a downstate issue, but I'll just reflect and maybe jog a few memories, when the first income tax was

passed in the State of Illinois, and it was passed on the premise that the income tax was to alleviate the property taxes to one-twelfth coming back to municipalities...supposed to be a rebate on property taxes; and in reality, one city...on small city...town in...in Illinois provided that tax relief. No one else did it, and unfortunately, I don't believe, although the sponsor may have the best intentions in the world, when it'll come down to it, there will be one-quarter cent increase in sales tax and no relief on the property taxes, and that's what you're considering. I know the intent of the sponsor is...is good, but next year, we'll alleviate the remission of the property tax and...and, unfortunately, history, I believe, has proven me correct; and for that reason, I'm going to be voting No.

PRESIDING OFFICER: (SENATOR LUFT)

Further consideration? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in strong support of Senate Bill 780 as amended, and I would urge that those of us who are from Cook County...the bill is not applicable in any respect to the County of Cook, but it will have an impact to this extent, that I'm sure everyone is aware that there is a differential in the amount of sales tax charged in Cook as opposed to the collar counties. This will minimize if not eliminate that differential, and to that extent, I think, it's...it's also good for us; and it has been pointed out three times now, it is permissive and these county boards are locally elected, they make the choice. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Any further consideration? Senator Etheredge to close.

SENATOR ETHEREDGE:

Thank you, Mr. President. Let me...let me say it a...a fourth or perhaps a fifth time, this is permissive. It is

permissive. This law does not require the county board of any county in the State of Illinois to vote this tax switch program in. I don't know what the situation is where each of you come from, but where...where I live, the county board members are good people, they are accountable people, they are elected to represent the people from their various districts just as you and I are. They are available to be called on the carpet by the taxpayers if they...if the citizens of their districts...their counties...do not like the actions which they take. This is a permissible tax...permissive, it is...and it would be enacted by people that are directly accountable to the taxpayers of the State of Illinois. County government is approaching a crisis situation, in part, because of the mandates which we have imposed on them, particularly in the criminal justice area and also some of the mandates that have...have been imposed by the Federal Government. I think that this is a concept that is worthy of implementation and I ask your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 780 pass. Those in favor vote Aye. Opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there is 31 Ayes, 22 Nay, 2 voting Present. Senate Bill 780 having received the required constitutional majority is declared passed. (Machine cutoff)...Senator Davidson.

SENATOR DAVIDSON:

I voted on the prevailing side, I'd move the vote...move to reconsider the vote...

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry, Senator, but Senator Watson had the Floor before you for a motion. I'm sorry. Senator Watson.

SENATOR WATSON:

I'd like a verification. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson has requested a verification. Will all the Senators be in the seat and the Secretary will read the affirmative votes.

SECRETARY:

The following voted in the affirmative: Berman, Carroll, Collins, D'Arco, Davidson, Dawson, DeAngelis, Dudycz, Dunn, Etheredge, Fawell, Friedland, Hall, Holmberg, Jerome Joyce, Karpziel, Macdonald, Mahar, Marovitz, Newhouse, Philip, Poshard, Savickas, Schaffer, Smith, Topinka, Vadalabene, Weaver, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson, do you have any requests?

SENATOR WATSON:

Dawson...Senator Dawson, please.

PRESIDING OFFICER: (SENATOR LUFT)

Is Senator Dawson in the Chambers? Senator Dawson. He's in the back of the Chamber.

SENATOR WATSON:

Senator Carroll.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll. Senator Carroll. Senator Carroll is coming out from the back of the Chambers. Senator Watson.

SENATOR WATSON:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco. Is Senator D'Arco in the Chambers? He's here. Any further questions?

SENATOR WATSON:

Senator Joyce.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce. Jeremiah?

SENATOR WATSON:

Whichever one is voting Yes.

PRESIDING OFFICER: (SENATOR LUFT)

Jeremiah didn't vote. Jerry Joyce is sitting in his seat.

SENATOR WATSON:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz in the Chamber? He's right up here in front. Any further questions? Okay. On a verified roll call, the Ayes are 31, the Nays 22, 2 voting Present, and Senate Bill 780 having received the constitutional majority is declared passed. Senator Davidson.

SENATOR DAVIDSON:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 780 passed.

PRESIDING OFFICER: (SENATOR LUFT)

You've heard Senator Davidson's motion and you've heard Senator Etheredge's motion. All those in favor of Tabling Senator Davidson's motion signify by saying Aye. All those opposed Nay. The Ayes have it and the motion is Tabled. The next bill on the Calendar is Senate Bill 785, Senator Fawell...on the Order of 3rd Reading is Senate Bill 785, Senator Fawell. Please read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 785.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This is basically a clean-up bill. I sent a letter around...the top of it says, Office of the Sheriff, Richard Paul Doy. I think it's sort of self-explanatory. On October 1st, 1981, the FBI notified the police departments that it was suspending processing of

fingerprint cards for liquor license applicants as of that date. They stated they would resume October 1st, 1982. On January 1st, 1982, the Illinois Department of Law Enforcement Support Service Division discontinued processing finger cards for liquor licenses applications by order of James B. Zale, director. FBI resumed these checks on October 1st. Bottom line, the State of Illinois would not comply with this request because of certain State Statutes that prohibit the forwarding of monies that come into their possession. What we have to do is...is send a check for twelve dollars now so that the fingerprint cards can...can be put in...into the system and find out if they're all right...I'll be willing to answer any questions. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Is there any discussion? Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 785 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 55, the Nays 1, no voting Present and Senate Bill 785 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 803. Oh, I'm sorry, on the Order of 3rd Reading, Senate Bill 786, Senator Topinka. On the Order of 3rd Reading, Senate Bill 786, read the bill, please, Mr. Secretary.

SECRETARY:

Senate Bill...786.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the

Senate. This bill amends the Counties Act to provide that interest earned from invested trust funds shall not be subject to legal actions. It basically clarifies a provision that's already in law so as to avoid a local lawsuit that had occurred in DuPage County. It came out of committee 13 to...to nothing. I don't know of any opposition.

PRESIDING OFFICER: (SENATOR LUFT)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate...I'm sorry, Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

She indicates that she'll yield. Senator Topinka.

SENATOR BERMAN:

Isn't it true that...but for this bill, other taxing bodies would be able to collect the interest that they are entitled to from the collection of these monies?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Well, right now, the...the law says that the interest accrues to the fund. So, this merely clarifies that.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

What's the position of the Municipal League on this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

I don't know, they haven't contacted me about it.

PRESIDING OFFICER: (SENATOR LUFT)

...Senator Berman.

SENATOR BERMAN:

All right. I'm just advised that the Municipal League is opposed to the bill and the reason, apparently, is that they feel that a bill like this that would shut off the question of legal actions as to who's entitled to the proceeds substantially...impinges upon their rights.

PRESIDING OFFICER: (SENATOR LUFT)

Any further discussion? Senator Topinka to close.

SENATOR TOPINKA:

As I...

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry...I'm sorry, Senator. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And I will try to refresh your memory here. During the last Session, as you know, we had a lawsuit. A lawyer or a library district sued DuPage County for the entrance that the county had made in regards to investments they were making for all of the taxing bodies, and as you know what happened, they made it retroactive and, quite frankly, the counties are...are going to have to go back and pay those funds back to each one of those taxing districts. And, quite frankly, those taxing districts do not pay any fee for the collection of that money or the redistribution of that money whatsoever; and very honestly, we built our new jail out of those...interest made on that money at no cost to the taxpayers whatsoever, no bonded indebtedness, we paid it...we saved up the money and we paid cash for it and we have a new fourteen million dollar jail that, quite frankly, you'd be proud of and...and we need that authority and, quite frankly, we deserve the interest on well invested funds, quite frankly, and it's merely a fee for investing it prudently, collecting it prudently and giving it back to those taxing bodies. I certainly support it. I haven't...haven't had anybody from the Municipal League come to me or write to me

or talk to me about this whatsoever and they've been in and out of my office all week.

PRESIDING OFFICER: (SENATOR LUFT)

Any further discussion? Senator Rock.

SENATOR ROCK:

Well, I don't...frankly, Mr. President and Ladies and Gentlemen of the Senate,...no problem with the...the county accruing the interest, but to say in a blanket way statutorily that what it...this money which now legally belongs to the county is not subject to any legal action, seems to me to be going a bit far. Why can't they use it for...to settle a verdict? I don't know why we're doing this.

PRESIDING OFFICER: (SENATOR LUFT)

Any further discussion? Senator Topinka to close.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the House, as I say, the bill came out of committee 13 to nothing. If there's a need to tighten up the language, we can always do that in the House. Up to this point, the...the Municipal League has not told any of us of their opposition. I think they're a little bit late in the game and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR LUFT)

The...the question is, shall Senate Bill 786 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 40, Nays 11, 5 voting Present. Senate Bill 786 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 803, Senator Schaffer. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 803.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is an administration bill for the Department of Aging. It's...it restricts members of their...let's see, what is it called...the Advisory Committee shall only serve no more than two consecutive terms. We grandfathered those people on the committee at present. It's not aimed at anyone on the committee, it was just thought that this particular committee to enhance a turnover and new faces should...members should only have two terms. I know of no opposition.

PRESIDING OFFICER: (SENATOR LUFT)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 803 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 54, the Nays 0...zero, the Present zero, and Senate Bill 803 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 804, Senator Schaffer. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 804.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

This is another administration bill from the Department of Aging. It responds to an audit deficiency and it changes

the term "fee" to "copayment." I know of no opposition.

PRESIDING OFFICER: (SENATOR LUFT)

Any discussion? If not, the question is, shall Senate Bill 804 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 56, no...no voting No and no voting Present, and Senate Bill 804 having received the required...constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 814, Senator Mahar...I'm sorry, 813, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 813.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, it does exactly what the Calendar says, plus the amendment which made some technical changes in the Wildlife Code. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 813 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, Mr. Secretary. On that question, the Ayes are 55, no people voting No and no Senators voting Present, and Senate Bill 813 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is Senate Bill 814, Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 814.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. Yesterday was the lame duck bill. Some members have indicated my whole program as fowl. I offer this bill as in support that it is not, it amends the Fish Code.

PRESIDING OFFICER: (SENATOR LUFT)

Is there any...

SENATOR MAHAR:

This bill amends selected parts of the Fish Code from 1971. It is noncontroversial. There is no opposition that I know of and I urge a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Any discussion? If not, the question is, shall Senate Bill 814 pass. Those in favor vote Aye. Opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 55, zero voting No, zero voting Present, and...Senate Bill 814 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 833, Senator Macdonald. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 833.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Macdonald.

SENATOR MACDONALD:

SB 835
3rd Reading

Thank you, Mr. President. Senate Bill 833 as amended provides that a Federal Hazardous Waste Permit issued before January 31st, 1986 by the U.S. EPA will be deemed to be a permit issued by the Illinois EPA. The Federal Resource, Conservation and Recovery Act Program to permit all hazardous waste facilities is in transition. By January, the U.S. EPA will delegate their permit authority to the State. Prior to that time, several permits will have been issued by the Federal Government. The purpose of Senate Bill 849...or 833, I guess it is...to provide that the Federally issued permits do not have to be reissued by the State after delegation. The bill does not relieve any company from complying with all State requirement. Senate Amendment No. 1 which...is now the bill made it absolutely clear. All the bill does is to avoid a duplicate permit review which would be unnecessary and costly to regulated company and to...also to the State. I ask your acceptance of this bill and your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Is there any discussion? If not, the question is, shall Senate Bill 833 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 57, none voting No, none voting Present, and Senate Bill 833 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 835, Senator Hudson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 835.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 835 grants the commissioner of banks and trust companies parity with the director of the Department of Financial Institutions and the commissioner of Savings and Loan Associations with a regard to his regulatory powers. This bill came out of committee 11 to nothing. I know of no opposition and would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Is there any discussion? If not, the question is, shall Senate Bill 835 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 57, none voting No, none voting Present, and Senate Bill 835 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is Senate Bill 836, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 836.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. What this bill simply does, it allows the Capital Development Board to be able to acquire easements of under a hundred and twenty-five dollars...of under twenty-five hundred dollars without having to get the approval of the Attorney General's Office. Senator Sangmeister had an amendment that restricted this. I don't think the Attorney General's Office objects to this. What they basically do is do the paper work on this. This allows CDB to...to do it much quicker.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 836 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. Senate Bill 836 having received the required constitutional majority is declared passed. Top of page 18. 849, Senator Macdonald. Order of Senate Bills 3rd Reading is Senate Bill 849. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 849.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This is the bill that was on the Agreed Bill List and we took off for one of the lobbyists and now I...I know of no opposition to it. It would simply allow the IEPA to issue administrative orders to the operators of nonhazardous waste...sanitary landfills for any of the eleven listed violations....so, I ask for your support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 849 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none. Senate Bill 849 having received the required constitutional majority is declared passed. 868, Senator DeAngelis. On the Order of Senate Bills 3rd Reading is Senate Bill 868. Mr. Secretary, read

the bill, please.

SECRETARY:

Senate Bill 868.

(Secretary starts to read title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, hold on. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Just take it out of the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Take it out of the record. 870, Senator Bloom. On the Order of Senate Bills 3rd Reading is Senate Bill...870. Mr. Secretary, would...read the bill, please.

SECRETARY:

Senate Bill 870.

(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. It authorizes the Department of Conservation to make rules necessary for the performance of certain of its statutory duties. Unlike other Acts, the...this Act does not have a general authorization for rule making authority. I'll answer any questions, otherwise, seek a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? Question is, shall Senate Bill 870 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the...the Ayes are 59, the Nays are none, none voting Present. Senate Bill 870 having...received the required constitutional majority, is

declared passed. 873, Senator Schaffer. On the Order of Senate Bills 3rd Reading is Senate Bill 873. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 873.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is the Department of Conservation administration bill. It is basically a rewrite of the Boat Registration and Safety Act. Adds provisions regulating skin diving, excludes inner tubes, air mattresses and similar devices from the definition of vessel and watercraft. Does a variety of other small things. The amendment dealt with the reporting of deaths by county coroners to the Department of Conservation from water...boating accidents so they can begin to compile some statistics which evidently are not available. I know of no opposition...appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 873 pass. Those in favor signify...will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 873 having received the required constitutional majority is declared passed. 875, Senator Maitland. On the Order of Senate Bills 3rd Reading is Senate Bill 875. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 875.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senate Bill 875 establishes a new date for milk hauler permits to expire and also the bill permits DMA...DPH to charge reasonable fees for permits to plants receiving and transfer stations and milk haulers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall...Senate Bill 875 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, 1 voting Present. Senate Bill 875 having received the required constitutional majority is declared passed. 910, Senator Marovitz. Senator Marovitz on the Floor? Senate Bill 911. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 911.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 911 is a very simple bill. All it, in fact, does is to indicate that...that under the Freedom of Information Act, those individuals who have requested copies of accident reports, that there be a fee established so that the municipalities and those individuals involved can get...seek some reimbursement, and it...Amendment No. 1 indicated that there was a...authority

to charge at least five dollars for...under the Vehicle Code for State police traffic accident reports. I know about no opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President. Senator, I think I understand what's here. This...this bill now is exactly as it came out of committee with the exception of the one amendment which raised the cost for motor vehicle reports? Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR GEO-KARIS:

Does your bill just limit it to a five dollar fee for anyone who wants to get an accident report on...automobile accident report?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

...yes, it does. As a matter of fact, I want to assure everyone that...that that is all that's in this bill. There was an amendment that was offered at the request of the Illinois Press Association that failed on...on the amendment stage here in the Senate and it...it, in fact, does just simply what I've described so far.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 911 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted

AB 913
3rd Reading

who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 911 having received the constitutional majority is declared passed. Senate Bill 913, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 913.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, this was a bill that was...one of my constituents asked...asked me to put in. It requires that every student upon entering school shall provide a fingerprint identification card which the school shall keep on record. The purpose of this bill is to aid...parents and...and law enforcement officials in locating lost, missing or runaway children and, in fact, it would only indicate that the information could be released only to law enforcement...authorities upon the request of the parents. Now there was some question by Senator Pawell in committee relevant to the individuals who...were required to give this...this...this fingerprint test and I don't have the answer to that question yet, but I hope to clear that up in the House before it comes back.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 913 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, 1 voting Present. Senate Bill 913 having received the constitutional majority is declared passed. Senate Bill 914, Senator Demuzio. Read the bill, Mr. Secretary.

SB 914
3rd Reading

SECRETARY:

Senate Bill 914.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. Senate Bill 914 is a...a bill that I put in for the request of the commissioner of banks. It would close a loophole that was recently found to exist in the Illinois Banking Act which has allowed a bank to voluntarily dissolve and have its assets and liabilities assumed by a savings and loan. The loophole results from a recent appellate court decision. The Illinois Banking Act defines a bank as a person who...who is doing business...who's doing a banking business. The term "State bank" and "national bank" are specifically defined to exclude any other type of financial institution. The appellate court held that the term bank as generically used in the voluntary dissolution section could include a savings and loan since a savings and loan is a corporation which does a...a banking business. Senate Bill 914 amends the Voluntary Dissolution Act to make reference to a bank specific and by adding the word "State" or "national." It is at the request of the commissioner of banks. And I don't know of any opposition, Roger.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Keats.

SENATOR KEATS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR KEATS:

I understand the bill, I understand the amendment and I

knew it was a vehicle bill to begin with which is why we voted No in committee. Let me just...a little question. What it's doing is not unreasonable, although I...I disagree with the limitations, but because of what it still amends, it amends some rather interesting sections. Can we get some promise that this won't turn into something else if we see it again?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, the answer is no, but the...but to realistically answer your question, I'm not giving you any guarantees, but I don't intend for it to be anything other than what you see before you today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Zito. Senator Keats.

SENATOR KEATS:

Yeah, I...I was just finishing. I...I appreciate that...that is our concern that...that it may appear differently slightly later, but let me throw in one philosophic point. We are saying...to a...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Do we have time for that, Senator?

SENATOR KEATS:

...yes. To a financial institution that is in significant trouble, we are saying to them, we are...distinctly limiting their options. For a big bank...when Continental Bank got in trouble, we expanded their options. What we're saying now for a small financial institution if they get in trouble, we are limiting their options right now, saying, strictly a bank, where I would say for a small institution, let them look at a savings and loan, let them look at the credit union, let them look at other options. We did it for

Continental, maybe we should do it for little guys too.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Thank you, for that piece of information. Senator Zito.

SENATOR ZITO:

Thank you, Mr. President. Senator DeAngelis was...asked me to ask this question if...if the sponsor had surveyed his banks on this...on this piece of legislation. I'm not real sure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He did poll all the banks and the Italian constituency. Senator Demuzio.

SENATOR DEMUZIO:

No, but I'm going to poll all the Italians on this one...let me respond to Senate Keats very briefly. Senator, I...it's my understanding...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator,...if there's no...no further discussion, Senator Demuzio may close.

SENATOR DEMUZIO:

Well, let...let me respond to Senator Keats very briefly and say that this is a...a voluntary measure because the commissioner of banks does not have the authority now to enter into that kind of...of a...of a...of a merger. So, it's only for the commissioner of banks and Bill Harris will love you. Vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 914 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, 2 voting Present. Senate Bill 914 having received the constitutional majority is declared passed. Senate Bill 915, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

SB 949
3rd Reading

Senate Bill 915.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Last year we disallowed any of the Illinois Farm Development Authority members from receiving any at all...any compensation whatsoever including expenses, I am told. This provision will allow, and it does strictly what I am about to say, is provides for a hundred dollars a day compensation when the board is in session and it...it will restrict the board to no...to no more than fifteen days per year. I don't know of any opposition. I would move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 915 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. Senate Bill 915 having received the constitutional majority is declared passed. Senate Bill 931, Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

I'll call this one only if I can get the same roll call I got on this last one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

No, you can't.

SENATOR DEMUZIO:

I can't do that? Well, just...let's just skip this one and the next one then.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 938, Senator Dawson. Senate Bill 949, Senator Karpiel. Read the bill, Mr. Secretary.

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END OF REEL

REEL #8

SECRETARY:

Senate Bill 949.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpiel.

SENATOR KARPIEL:

Yeah, thank you, Mr. President. Senate Bill 949 as unamended amends the...Workers' Compensation Act and what it does actually it relates serious...it gives...a definition of serious disfigurement to this Act, and it relates serious disfigurement to an employee's ability to return to work for purposes of workers' compensation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question...Senator Collins.

SENATOR COLLINS:

Yes. Senator, 949 is the bill that set forth the standards...you deleted everything after the enacting clause, so I'm wondering what is left to the bill now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpiel.

SENATOR KARPIEL:

Senator Collins, we...we did not adopt the amendments. So the bill is still in this form.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins. The amendment lost. Is there further discussion? If not, the question is, shall Senate Bill 949 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. All voted who wish? Have all

voted who wish?...take the record. On that question, the Ayes are 30, the Nays are 24, 1 voting Present. Senator, will you relax. The bill having received the majority vote is declared passed. A verification has been requested. Will all the Senators be in their seats and will the Secretary please call the affirmative roll?

SECRETARY:

The following voted in the affirmative: Bloom. Chew. Coffey. Davidson. DeAngelis. Degnan. Donahue. Dudycz. Dunn. Etheredge. Fawell. Geo-Karis. Hudson. Jones. Jeremiah Joyce. Karpiel. Keats. Kustra. Lechowicz. Macdonald. Mahar. Nedza. Rigney. Savickas. Schaffer. Schuneman. Sommer. Topinka. Watson. Weaver.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion?...I mean, is there a question of any affirmative vote? Senator...Collins. Senator Jones, Mr. Secretary.

SENATOR COLLINS:

Senator Chew.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew. Is Senator Chew on the Floor? Senator Chew. Strike his name. Senator Jones on the Floor? Strike his name.

SENATOR COLLINS:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz. Senator Lechowicz on the Floor? Strike his name. Senator Jones is on the Floor, return his name to the...

SENATOR COLLINS:

...Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Jeremiah Joyce on the Floor? Strike his name.

SENATOR COLLINS:

Senator Degnan.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan on the Floor? Strike his name.

SENATOR COLLINS:

That's it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz has...is on the Floor, restore his name. Mr. Secretary, do we have a count? Yeah. On the verified roll call, the Ayes are 27, the Nays are 24, 1 voting Present. Senate Bill 949 having failed to receive a majority...constitutional majority is declared lost. For what purpose Senator Pate arise?

SENATOR PHILIP:

Thank you, Mr. President. Having voted on the prevailing side, I move to reconsider the vote by which this bill lost.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip has moved to reconsider the vote by which 749 failed, having voted on the prevailing side. Senator Berman moves that motion lie on the Table. Those in favor indicate by saying Aye. Those...a roll call has been requested. On the motion to lie on the Table, all those in favor of having the motion to reconsider the vote by which Senate Bill 949 failed lie on the Table would vote Aye. Those opposed to it will vote Nay. The voting is open. That...have all voted who wish? That motion to lie on the Table...take the record, Mr. Secretary. On that question, the Ayes are 27, the Nays are 30, none voting Present. The motion to lie on the Table fails. Now the motion...before us to reconsider the vote by which Senate Bill 949 failed. On the reconsideration of the vote, Senator Philip moves to reconsider the vote by which 949 has failed. Those in favor will indicate by voting Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are

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28, the Nays are 27, 1 voting Present. That motion carries. Now before us is...is the vote. The question is, shall Senate Bill 949 pass. Those in favor of Senate Bill 949 passing will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 30, 1...none voting Present. Senate Bill 949 having failed to receive a majority vote is declared lost. Senate Bill 957, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

(Machine cutoff)...Bill 957.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 957 precludes the charging of a fee for...when a check is dishonored for insufficient funds or because the account has been closed against anyone in the chain other than the drawer. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall...Senate Bill...Senator Fawell.

SENATOR FAWELL:

...I'm sorry. Could you explain this...a little bit more to me. I mean, the Illinois retail merchants support it and the bankers oppose it, and I don't know which way to go. So just tell me what...what the bill really does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, you get a hold of...you get a hold of Senator

Demuzio and you take a poll and when you get the poll results back...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Well, Senator Fawell.

SENATOR FAWELL:

What does it do? I am serious. What does it do?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Present law permits the bank to assess a charge or a fee against the person who presents the check to them in the...in the chain. That is why the...that is why the retailers want the law changed. They would like the charge to be assessed only against the person who draws the check, the drawer, the person who issues the check to the retailer. We're only talking about a fee, we're not talking about any other liabilities.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think this bill is the height of hypocrisy. This bill is presented by the Illinois retail merchants who want to pass this bill because they don't want a fee charged when they put through a bad check. About a week ago, if you remember the E.F. Hutton story, they passed a bill that will throw you in jail if you pass a bad check.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I was prepared to do something with this, but I...I...I don't have my poll in front of me. I...confused.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've got an Italian sitting there. Senator Keats.

SENATOR KEATS:

I...I hate to...interfere with a serious explanation, but it's a plain and...simple case of two business groups who are kind of mad, if the retail merchants...if the guy doesn't check it...the guy who wrote him a check well and he deposits it, right now the bank charges him. The retail merchants say, even if I didn't check the check closely, I don't want to be held responsible. The bankers say, if the check we got that we tried to cash that had insufficient funds, unless that guy banks at their bank, they can't charge him a fee unless they want to go to court, hire lawyers and try and sue the guy over a fourteen dollar check or something. So what this says is, if the retail merchant guy does not carefully check who he is accepting a check from, he can accept any check he wants, any check, deposit it, and even if it's a bad check, he can't be charged and so the bank...could be stuck with whatever size check, can't charge anybody and there's really no remedy.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, let's..forget about E.F. Hutton, I told you I don't even know him. The point is that the fellow who draws up the check and...gives a bum check, he should be the one penalized and that's what the essence of the bill is, not someone who...accepts a check and finds out later it bounces. I'm...speak in favor of the bill because we shouldn't penalize an innocent person who gets a check from somebody who doesn't pay his bills and therefore owes money on the check.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Watson.

SENATOR WATSON:

Yeah, question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR WATSON:

That's exactly what it does, isn't it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Keats doesn't understand the bill, which is not surprising, or maybe he does understand it and is trying to...to deceive us. If Keats writes a...writes a check to you and you bring the check to me and the check...and there's no funds in Keats' account, you are still liable to me with respect to the warranty that you make; i.e., the warranty that you make that the...that the endorsement is good, that it will be presented upon...it'll be honored upon presentation, that there are no forgeries, all of those that are...that know...those normal warranties that you...that carry with the endorsement in...in the chain. What we're talking about here is the charge. So that I don't...I...I can't say, okay, I will charge you the ten dollar, fifteen dollar, twenty dollar, I'll charge you that charge. The charge is against Keats. That's all we're talking about here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, this is a good bill, ought to be passed, Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR SCHUNEMAN:

I haven't read your bill, Senator, but if I take Roger Keats' check and I take it to my bank in Prophetstown, they send it to Roger's bank in Chicago and that bank doesn't pay the...the check because he doesn't have any money, they send the check back to my bank, my bank imposes a fee upon me because they've had to handle my business several times. Is that the sort of thing you're...you're outlawing here?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Joyce.

SENATOR JEREMIAH JOYCE:

The..the charge can be charged against Keats. You go back to the drawer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Schuneman...Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'm not sure how anybody including the bank can...can collect the fee against Keats when he doesn't have any money. That's part of the problem here and...and I'm not...although my sympathy is not for people who write bad checks, I'm not sure we're doing the right thing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR JEREMIAH JOYCE:

Well, Senator Berman, I'm going to make sure all those delicatessen owners in your district are aware of your...of your position here today. We are talking...we are talking about a...about a situation where who is best able to bear the cost, and we're talking about the difference between the small merchants and the big banks and the original wrongdoer, the person who issues the instrument without having sufficient funds to honor it upon presentment. I ask for your support. I ask for an Aye vote on Senate Bill 957.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 957 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 5, 1 voting Present. Senate Bill 957 having received the constitutional majority is declared passed. Senate Bill 974, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill...Senate Bill 974.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the General Assembly Article of the Pension Code. It allows members to transfer credit into the...system for thirty days, from 1-1-86 to 2-1-86, allows a member who became a member after 1-1-73 to elect to transfer credit for...from another system. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

As I understand this bill, Mr. President and members of the Senate, what we seek to do here is to provide coverage for...under the pension plan and pensions for any member who serves in the General Assembly for...at least six years. Our present system provides coverage in the event you serve for eight years. So we ought to be aware of what we're doing here. We are in fact liberalizing the pensions of the members of the General Assembly by at least two years.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 974 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 33, the Nays are 23, 2 voting Present. Senate Bill 974 having received the constitutional majority is declared passed. Senate Bill 978, Senator Joyce. Senate Bill 986, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 986.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 986 provides for formalities in the execution of lists and specifies which of two conflicting lists shall govern. If somebody wants to give away personal property and it's not in their will, let's say they want to give away furniture or other things, it provides that they can execute a list, that it's attested to and that the last list which has been drafted will prevail. I know of no opposition to the bill and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR GEO-KARIS:

Under your bill, are you providing for any witnesses to the last...would you...just clarify that, that's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

The list has to be...attested to just as a will.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

...how does this differ from a codicil?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

It...it is very similar to a codicil, but it's...but it...it's not the same as a codicil but is...it is different because it doesn't have to refer to everything in the will. It...there's no...right...there is no reaffirmation of everything that's in the will. It's just a separate list and can just list furniture, personal...personal property, that's all, different than a codicil. A lot people do that and this would clarify that those things are legal and which one prevails.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 986 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 none, none voting Present. Senate Bill 986...56, that machine moves quickly. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 986 having received the constitutional majority is declared passed. Senate Bill 988, Senator Watson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 988.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This amends the Environmental Protection Act to allow the burning of leaves in Kane, Will, Madison, St. Clair, Peoria and Winnebago Counties. What we're doing is changing the population limitations from two hundred thousand to four hundred thousand as far as those particular counties that would be affected by the leaf burning...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Welch.

SENATOR WELCH:

The question of the sponsor...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR WELCH:

...is this says landscape waste not leaves. What...are you...do you have a definition of landscape waste? Does that include if I landscape my yard, I get to burn all the bags and all of the leaves and McDonald's wrappers I find in the yard?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

It is defined in the Environmental Protection Act, we have it here...landscape waste is defined.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well,...I don't understand why we're letting six counties all of a sudden burn refuse or waste out in the open. It seems to me that what we are doing is creating a special category of counties which are allowed to violate clean air standards. It's kind of like the dirty half dozen you're

setting up here, six individual counties allowed to circumvent Federal law and I don't think it's a very good idea.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President. You know, it's very strange that with this pollution deal that it started out in...in Cook...up in Chicago, and then we have no pollution whatsoever till you come three hundred miles downstate and run into St. Clair and Madison County. And then now, Senator Watson puts one on where you can do it by the...your zip codes. If you're on one side of the street, you don't...you don't pollute; if you're on the other side of the street, you do pollute. But so now it's...you might say you're just putting in one place so we're going to be burning leaves...you say we're polluting, so I can't see anything wrong with this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 988 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all...would you change my vote there, I'm with the environmentalists. Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 13, 3 voting Present. Senate Bill 988 having received the constitutional majority is declared passed. Senate Bill 989, Senator Kelly. Senate Bill 997, Senator Collins. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 997.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 997 creates a new category of absentee ballot. It is a temporary absentee ballot for students. It...it is based primarily as the current absentee ballot for the handicapped with the exception this is a two-year period rather than a five. It has adequate safeguards to ensure that the student does not vote where they are temporary residing due to the submission of...of the absentee requests to the local jurisdiction, and I know of no opposition to this bill and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Originally, we were very much...on this side of the aisle very much opposed to this bill, but Senator Collins has indeed amended this bill so that it is now...has a lot of precautions in it, and it also has safeguards which make it a very much better bill and we can now support this piece of legislation. So we urge your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 997 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 1...none voting Present. Senate Bill 997 having received the constitutional majority is declared passed. Senate Bill 998, Senator Collins. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 998.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I'll take the same roll call. This is a very simple bill. It simply prohibits a physician from recommending...who recommends...who writes a prescription and then recommend that prescription to any pharmacy of which that physician may have a interest in. This bill is designed to help to minimize the problem of illegal drug trafficking on the streets through the use of...of legal means by writing a prescription. I know of no opposition to the bill and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Watson.

SENATOR WATSON:

Yeah...this is the first time I've seen this, I can't believe it. Would you explain this again...in other words, if a...if a doctor...you go into a doctor's office, you're telling that doctor that he can't write a prescription and refer you to a drug store in which that doctor has any kind of ownership? Well, pharmacists will love this, but a doctor...doctors aren't going to like it. I...I can't...any way, if there's no opposition, fine, let her go.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 998 pass. Those in favor will vote...those opposed...vote Nay. The voting is open. Have all voted who wish? All voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 11, 7 voting Present. Senate Bill 998 having received the constitutional majority is declared passed. Senate Bill 1000, Senator Collins. Read the bill, Mr. Secretary...Senate Bill...1004, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1004.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 1004 provides that it will be a misdemeanor for anyone to intentionally interfere with the...an investigator of the state's attorney's office or the Attorney General's Office in the course of their investigation of the Nursing Home Reform Act. I know of no opposition. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1004 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 1, none voting Present. Senate Bill 1004 having received the constitutional majority is declared passed. Senate Bill 1005, Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1005.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 1005 provides that the Attorney General's Office may expend funds for the purchase of evidence in the investigation of other violations other than the violations of the Consumer Fraud Act and the antitrust law which they are presently...under present law they are permitted to do. It'll

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permit them to expend monies for...the evidence in cases involving environmental protection cases and...other significant activities that the Attorney General may wish to be involved with and...under which present law he is so authorized to be involved in. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1005 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 2, none voting Present. Senate Bill 1005 having received the constitutional majority is declared passed. Senate Bill 1008, Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1008.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 1008 makes it a misdemeanor for anyone to intentionally interfere or prevent the investigation of an...a attorney....Attorney General investigator or an EPA investigator investigating the State Environmental Protection Act. I know of no opposition. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1008 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 1, none voting Present. Senate Bill 1008 having received the constitutional

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majority is declared passed. Senate Bill 1009, Senator Donahue. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1009.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

...thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1009 allows the Commerce Commission to establish...to allow the different utilities to establish rates for economic development. The Central Illinois Public Service utility in my area has this ability right now. They are not rates that are charged in the rate base, these are...this is above and beyond. As a ratepayer in CIPS, I don't pay for this, I don't subsidize it. It just gives them the opportunity to give some of existing business if they expand as well as new businesses coming into the area to benefit from this break. I do have statistics here and if you want...it has been...established about a hundred and thirty jobs have been created because of this break, and all I'm asking is that we give this ability for the rest of the utilities in the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Welch.

SENATOR WELCH:

Yeah, well, it...it seems to me that this is kind of a curious bill, because the last week we've been pounded down here by the utilities about how they're going to lose investment income, they're going to have a reduction in the amount of money they earn because the Utility Reform Act is going to be changed and they're not going to have the earnings that they did before. Now you're saying, you want a utility to be

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able to reduce rates, reduce the amount of charges that they can put on an existing business but, yet, you're not going to raise any other consumer's rates. Now if that isn't going to reduce the rate of return for each utility but, of course, they're not here complaining about this one at all. It's quite...thing seems to me the shoe is on the other foot here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If not, Senator Donahue may close.

SENATOR DONAHUE:

Well, I just say, Senator Welch, that in the...in...you're trying to limit the excess and cap that, and through that excess they're...they're able to use that to benefit their regions in economic development. And that is what has allowed them to do this and the ratepayers in that area benefit from it. I would move for its favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 1009 pass. Those in favor will vote Aye. Those opposed vote No. 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, 2 voting Present. Senate Bill 1009 having received the required constitutional majority is declared passed. 1010, Senator Carroll...Mr. Secretary, Senate bills 3rd reading, Senate Bill 1010. Read the bill.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1010.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me say that Senate Bill 1010 is similar to a bill that had been debated earlier today, Senator Lemke's Senate Bill 500, although there are some significant differences...and if the board could reflect the proper number, Eddie, thank you. This is the result of a multi-year study and working with Doctor Mike Bakalis who used to be, as you know, the Superintendent of Public Instruction and meeting with various community groups throughout Chicago. What we found is probably the most critical problem in Chicago with our school system is the lack of involvement and the lack of a feeling, and a very real feeling that if you attempt to get involved you're going nowhere. There is no parental involvement because of the bureaucracy that has been created over decades of building. This is not aimed at any particular administration of the school system or anything else. It is not the product of any particular superintendent or board. It is a product of the size of the system, and in surveying the nation as to those systems that worked and those that did not and then tailoring it to the needs of a city like Chicago, we have developed a program that is designed in Senate Bill 1010. Basically what this says is, take each of the now existing school districts, allowing for a fluctuation later in membership by a board we once created and hereby recreate that is appointed by the legislative leaders with an appointment of the mayor and an appointment of the Governor to change those boundaries to reflect equal population in each of these twenty districts. Each of these now twenty-three thousand students would then be within an autonomous school district that would have total local control and thereby, we believe, total local involvement; they would set their own curriculums, they would do their own hiring and firings, they would...communities would choose by election their own boards. Each of those twenty would...select a

chairman, those twenty chairmen would serve on a citywide panel with a twenty-first who would be its chair appointed by the Mayor of the City of Chicago. The funding would come into that citywide panel. The tax base would be citywide, because in a city of...like Chicago that is the only way that can be fairly dealt with. It would however be distributed to each of the districts on an average daily enrollment basis, on a membership basis, to be then budgeted by local scrutiny and local control by the local board. The Title One desegregation funds would be spent by the citywide board, as under the Federal law, I believe, they should and it is the most economical and sensible way to do; things like the magnet schools would continue under a citywide board mechanism. Handicapped education, those types of special educations that a twenty-three thousand member school district may not need individually would be handled on a citywide basis through the monies held on a citywide board to be spent in the most logical and economical way. And anything else that the twenty local board chairmen could agree would be better spent, cheaper spent or more productive on a citywide basis could be so done. All the rest of the real decisions would be where they should be in a neighborhood school system. If we want to do something to educate the children of Illinois and most particularly the four hundred and fifty thousand who reside in my city, my children included, we will not accomplish anything if we do not get community involvement, parental involvement, and we cannot until we can get the district down to a size where a parent like in any other district of this State can have a say. Do you realize in Chicago today the schools can never open at night unless the park district rents them and rents it out? So that if you wanted to have a school council meeting, you can't go to the school, you got to go to the park district and rent a room. If they happen to rent a school because it has a pool, they'll rent you a

room to hold your PTA meeting. How can a parent know what's going on in a school if they can't get in there because maybe they're working till after three o'clock in a given day and the school is locked and sealed? How can you ever expect a parent to be involved in the education of their child if we don't allow the system to encourage that involvement? You bring it down to a local level, that won't be tolerated, you'll get involvement, you'll get control. Today in Chicago when they want that, they call it an academy. What we all used to have when we went to school has to be given a fancy name to make it work. That is totally illogical. If we want to solve the crisis in education, we from Chicago must begin at home, and we must begin in the neighborhoods. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, ladies and gentlemen, we have at least six speakers. Senator Newhouse.

SENATOR NEWHOUSE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR NEWHOUSE:

Senator, you said that...you used a phrase "we" in...in talking about how this was put together. Would you define the "we," please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Newhouse, initially, I had meetings with Mike Bakalis and other members of the General Assembly, you were invited to some of those, you attended one or two, as I recall, where we discussed the problem and the potential solution. And as I remember it, you were up in my office one

day when we had a full meeting, when we flew Doctor Bakalis down to go through the detail and see if there were any problems. In addition to that, we invited every known community group in Chicago to participate. Some did, some chose not to. We had several meetings at the State of Illinois Center on the sixteenth floor where some community groups, including from your neighborhood, and I...I'm sorry, I didn't bring all the lists of those invited and attending, were there and were supportive; and in those cases, including, I might say, some who say, you know I don't like an elected board, but if we're going to have one, this is the way to go. We had Hispanic groups say that, we had other Hispanic groups who said, we like this even with an elected board. We had black community groups come in and say, if you're going to go to elected, this is the only way that makes sense. We had black groups come in and say, and some from the Hyde Park area, if you're going to go to reform, go this way, we would even support elected. We met with the Urban League, we met with all, listened to their arguments and try to accommodate the need other than those who said, don't elect ever, and that this doesn't do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Has...has this plan been presented to the mayor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I have no personal knowledge as to whether it was or wasn't. I invited you to about four months ago and I invited Carol Mosely Braun to do likewise. I have no idea whether either one of you did. I have not discussed it with him.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

That's...though you did not present it to the mayor...you did not...you got no reaction from the mayor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

None whatsoever, I had discussed it at one time with his staff, they did not get back to me, and as I said, I asked Carol Mosely Braun back in November and then I believe we gave you some information on it also, and I...you know, again, I'm not faulting anyone, all I'm saying is that we gave out the information, and the few meetings I've had with the mayor of late, and they've been few but there have been some, he did not mention it either.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you...thank you, very much for the response to the questions. I'll tell you what, Senator, I kind of like this plan and ten, twelve years ago, I would have been enthusiastically in support of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...

SENATOR NEWHOUSE:

I'm sorry you didn't think of it then.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...

SENATOR NEWHOUSE:

...just a bad plan, Mr...Mr. President. I think we ought to at least give the administration some chance to react to this plan. I would urge a No vote on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Five years ago when I had the opportunity to co-chair the investigation of the Chicago Board of Education, I did write a...not a dissenting letter but a letter at the end indicating some views that I held that perhaps those who participated did not hold. And one of the questions I opposed was, is the Chicago Board of Education unmanageable and has it lost its community support. I still feel that answer is yes; however, Senator Carroll, this does not do the job. It does not do a job because it does not take into consideration the things that are necessary to make each one of these districts separate. What you've got is twenty districts operating under one umbrella; yes, you will have more community input, more community participation, more elected officials and, hopefully, more involvement. But the fact is, it doesn't address the issues of educating the children; let me point out, and I have to do it first with a question. Is your distribution system exclusively based on average daily attendance?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, when you opened your comments, you said it was. Please correct me if I'm incorrect.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

You're incorrect. I said average daily enrollment or membership.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Okay, average daily enrollment. It's based on average daily enrollment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You're on.

SENATOR DeANGELIS:

Okay. That is not the way...and...and by the way, you're going to be getting the money from the State to this area and then you're going to redivvy it up, but you're not going to redivvy it up on the same way that you got it from the State. Correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I'm going to have to give you a little bit longer answer, Aldo, than the other one. Yes, the answer is correct and there's a reason. As you know, for years Chicago has felt the formula should have been enrollment or membership and not attendance, and we say the pool comes in from two basic sources, really three, Federal dollars, the tax base and then the School Aid Formula. School Aid Formula as it currently exists would come in on a...on an attendance basis, city panel, but it would be distributed out on a membership basis to the twenty independent local districts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, let me point out to you that the formula not only is average daily attendance, it's total weighted average daily attendance. Senator Carroll, the manner in which you get your money is not just average daily attendance, it's total weighted average daily attendance. Now, the weighting factors take into consideration several things; for instance,

you being a unit district have a certain rate, but everybody knows that the reason that that combined rate was less because the cost of an elementary student is less than a secondary student. What happens with the school district that ends up with a lot more elementary kids and less secondary versus one that has more secondary versus less elementary, if you're only going to go by average daily enrollment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I can get you an answer for that, I don't have one at hand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator DeAngelis, I hesitate to caution, your time is...

SENATOR DeANGELIS:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator DeAngelis.

SENATOR DeANGELIS:

All right. But there are several other factors that go into that weighting. If you take a complicated process that follows money to an area and try to redistribute it on a very simplistic basis, somebody is going to get the short end of the stick.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President, members of the Senate. I must say that this bill is...is most certainly a...a giant step in terms better than Senate Bill 500 that...that we...you passed out of here sometime earlier today. But I don't think that an elected school board in the City of Chicago, particularly at this time, is going to solve our

problems. I think what...what this General Assembly ought to be about is looking at the reforms that have been introduced in this General Assembly by the various task force and...and various groups who have been working on that reform over the past year, and then we ought to take a serious look at a funded...adequately funding education. I think the people in Chicago are...are...are frustrated enough without us pretending to have...come out and pass...laws down here that's going to give them somehow a very simplistic solution to a very complicated problem in the City of Chicago as it relates to education. The education problem in...in the City of Chicago has a lot to do with housing condition, it has a lot to do with economic conditions, it has a lot to do with a lot of other things...in addition to...I have to say the administration of the Chicago Board of Education. Several years ago when...when the mayor of City of Chicago was a Senator here, he and I both felt and...and many of us felt that by throwing out the existing school board at that time that somehow we would improve upon the financial...and administrative structure of the...of the Board of Education in the City of Chicago. And, as most of you know, that that action didn't have very much impact, and I'm afraid that if we go toward elected school board...now, that that's not going even have as much impact. So I would suggest that we do our duties down here and provide the necessary reforms and the necessary dollars for the board of education and leave the administration up to the local school boards, and I would ask for a No vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Chicago's Republican Caucus rises in support of this legislation and commends Senator Carroll for his efforts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members. Well,...when...when the...idea of elected school board first came out, reluctantly, I said to many people, anybody who thinks that we're going to improve the quality of education just because we have an elected school board is dreaming, because merely changing an appointed board to an elected board isn't going to mean one hill of beans to the quality of education which is what we're all about here. However, I think each one of us as we travel around campaigning and go to meetings in our district, we constantly hear from parents and...and people in the community that they would like to have more input into the educational process. They would like to have more input in a lot of things. They have suggestions, they have complaints, but they're frustrated because they have nowhere to vent those complaints and no way to get input on those suggestions. This bill gives them that input. This bill brings everything down to the local area, to the local communities, and that's really what this is all about and I think that's the most important facet of the bill. Each of the districts would have a seven-member elected board of education, each district, each of the twenty districts, a seven-member elected board of education. So if they have problems or they have complaints or they have suggestions, they know where to go as opposed to the large bureaucracy downtown that everybody knows hasn't worked and isn't going to work. And, again, I would say that merely changing that form to...to an elected form isn't going to do anything, but I think decentralization may be a step in the right direction; and if we know the other system hasn't worked, and it hasn't, what's the downside risk at trying this? And I think when we've had education bills before us

for so long, we ought to take a look and say, what's the downside risk? There is no downside risk to trying this. We're going to give it to the locals, we're going to give them more input, and I think it can only be a step in the right direction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you. Further discussion? I noticed that all the members have had adhered to the...to the timer. Senator Favell.

SENATOR FAWELL:

Thank you, very much. I'll...I'll try to make this very brief, but...I have gone down to the Pilsen area, I have gone down to other areas in Chicago, frankly, uninvited and not on committees, just...just trying to hear what in the world the community was...was all about, and over and over again, I had people in the communities coming to me and saying that they wished they could have this input that they...that...naturally there's no way that they can be interested in the schools because every time they come up with a suggestion for their schools, they cannot get anyone to listen to them. I think Senator Marovitz was right on target and I think this is an excellent bill, and I would strongly suggest that my colleagues on my side of the aisle vote Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Jones.

SENATOR JONES:

Senator Carroll, will the districts be...that you're...that's proposed this legislation, will they be similar to the current district in the City of Chicago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Yes, Senator Jones, it would start off as identical to the twenty that existed the day we turned it in, and we have recreated that Boundary Council to adjust it based on population changes that may occur from time to time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Senator Carroll, could you currently tell me...can you tell me what is the current student population of the districts that we currently have...the student population...of some of the districts that we have?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

It is my understanding from Doctor Bakalis' study that it is approximately twenty-three thousand students in each of these twenty districts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, for you and for Doctor Bakalis who lives somewhere out...in one of the counties downstate, the figure fluctuate from district to district. You have some districts wherein you only have maybe eight or nine students in...eight or nine thousand students, you may have some district where as high as forty-five thousand students. Now I was following the questions of Senator DeAngelis when the...when the impact aid come to the schools, such as the impact aid for Chapter One, the impact aid as it relates to...to high schools, how are you going to distribute those funds?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Two things...and let me answer Senator DeAngelis' at the same time. Senator...DeAngelis, I'll refer you to page 27, that is, in fact, covered. The appropriation formula on general aid will have to be set by the twenty-person council. The criteria will be on a membership basis but the other weighting factors will be added thereto. The Title One funds will be handled by the central board under its formula, the impact aid is under that Federal formula and will be handled as it currently is, distributed in that same manner. Let me correct something else, the boundaries by this new council shall be created so as to ensure an equal number of students in each district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones. Senator Jones, I would...indicate...

SENATOR JONES:

...thank you...now in addressing the bill, and I understand that the sponsor indicated that Doctor Bakalis...this is Doctor Bakalis' brain child but it is not Doctor Bakalis' brain child. This bill originally surfaced a few years ago from a fellow by the name of Phil Crone and he gave this bill to some members of the Legislature from the northwest and southwest side for...to let them have the bill so that they in turn could give that...pretend to give their constituents something as it relate to the schools. It was designed more or less to get away from...desegregation of the Chicago school system. Now this is where the bill originally came from, not Doctor Bakalis, 'cause I think he's a very honorable individual. But as it relates to the monies and representation for the children in Chicago public school system, what you will be doing here is simply this, you will be giving a minority fraction of the people in the City of Chicago who will represent about twenty percent of the stu-

dents complete control of all the monies that's going to impact over eighty percent of the students. And this is what this...the bill is designed to do because there...in most of the districts, the average...the average student enrollment in those districts are so low you're going to have some districts as high as fifty thousand students, other as down as far as only eight, nine thousand, maybe fifteen thousand students, but yet and still, those with the fewest number of students will have more power and determine where all the money goes as it relate to aid and to improve the quality in education. So I...urge you, as you have been urged, Senator Howard Carroll, to Table this bill if you're really wise, but in the best interest of the children in the public schools in the City of Chicago, this bill should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. Just briefly, if we were to follow history and courtesies, a hundred years, the...the sponsor of this bill would never have promoted it this far without having checked personally with the chief executive of Chicago. We talk about all the things that South Africa is not, if we would try to squeeze our energies toward some of our seatmates, maybe we could attempt to straighten out things at home rather than to spread it abroad. I would suggest that the sponsor take this proposition to the Mayor of the City of Chicago and let he and his staff sit down and get a decision as to what's best for Chicago. Because on the previous mayors, this sponsor would not, would not have attempted to pursue this subject as far as it has gotten now. He's my friend but he has not shown the courtesies in this instance as he has in past instances, and whether you like the mayor or not is not the...the question. The question is, let us respect his office as the chief executive of Chicago

insomuch as he does have the responsibility of the schools in Chicago, and I would urge you to take this bill out of the record and do as a man of your caliber is capable of doing and that is not to close the barn after the horse is out. I'm not ashamed of you, I'm just surprised.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

You know, I...I sat here and...look about proposals. I've been on this issue, I think going back to the days of Richard J. Daley in our area, for redistricting and I've gone through every mayor, I have taken the abuse from Mayor Byrne. I...I was originally the one that set up the study commission to pass...to look into this situation. I was on that commission. We went into the near westside of Chicago, we went into the southside of Chicago with...with Representative Huff, and we heard the words of the minority people, we heard the...words of the majority people, we heard the words of the taxpayers and the people that have students; and since when do districts just rely on the basis of students having concern, what about the people that live in the community that day in and day...pay taxes? Don't they have a voice to decide how that school board raises their tax levy and don't they have a voice to say how that money should be spent? Or are they are just there to tax and tax to death? This bill gives the taxpayer as well as the parent the right to elect their representatives in their local boards. And it gives those elected representatives a right to elect an official to go down into the fact...into the finance authorities centrally. That's what it does. It puts the power of schools in the hands once more of the parents that used to run the schools. And, Senator Jones, the chief executive saw my bill and they have saw the proposals because I know certain aldermen and certain people that gave him the bill to

look at. Okay? He's had the opportunity...the city has had the opportunity to express their desires one way or the other like they do on every other bill, and the mayor of this...of my City of Chicago has not expressed a way one way or the other, he has stayed out of the picture...he has stayed out of the picture and not has taken a side one way or the other. And this is not good leadership, this is not what it should be, the leadership on this matter should be directed by elected officials, if they represent the people they...they were voted in by. And if they're concerned about educating kids, this should be the way to go...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Lemke, can you bring your remarks to a close?

SENATOR LEMKE:

...because the people that are going to elect members to these school boards are the parents and the taxpayers that are worried about the education, not those people that are appointed and could care less. The school board in Chicago is like an octopus, I said this before, without a head leading it. That's the kind of...they reach in to every community with the tentacle but have no leadership at the top, and I think this is the way to go and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll may close.

SENATOR CARROLL:

Why, thank you, Mr. President. Senator Chew may not have understood the answer I gave and let me amplify. I have never not given the courtesy to the office of the mayor, this mayor or any predecessor mayor, in fact, more so to this mayor on this issue than to any bill I've ever carried as a member of the General Assembly. I was elected by my people to serve, not elected by the mayor or any mayor of the City of Chicago, but in this case, I took those two people who are

purported to be his representatives here, the member of the Senate and the member of the House, when I...answered Senator Newhouse and reminded him that I gave him this in January and Representative Carol Mosely Braun in November and said, take it to the mayor. But as Chew and I just reminisced, I gave it to the mayor himself in person in December at a luncheon...sitting next to him and went through it in detail and said, I'd like your reaction. And, of course, the answer was, my staff will get back to you, I've waited, today is the next to the last day for passage. I've waited, that's five months on a bill that they obviously knew about, I gave them the detail before we even drafted it and said what do you think ought to be in it. We gave them the rough drafts in November and said what do you think ought to be it, but that's not the issue. I have kids in the public school system. I was educated in the public school system, I'd like to see them stay there. Why should they if the system doesn't work? My district is lucky. We have a very creative district superintendent. Maybe I shouldn't say that, he might be gone tomorrow because of it, but we have a very creative district superintendent and it was allowed for additional educational opportunities. What happens when he goes? There goes our system, unless we have true local neighborhood involvement. The system doesn't work, that's the bottom line. It is not a political issue, it is an educational issue. Do we want quality education and I think every member on this Floor has said, those who have seen Chicago recognize the system has gotten away from the people and the kids they're educating. Why do we have the problems of dropout? Why do we have the problems of testings? We have them because there is no local involvement, no local curriculum, no local control. I had a person who was an orchestra leader walk into my school and say, I'd like to teach these kids how to play in a band, and they said, we can't hire you, you're

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over seventy. He said, I don't want to get paid, I'll volunteer. Well, I'm sorry, you have to come in after school classes are over; and he said, fine, I'll do that, and they said the building is locked. So we're losing these opportunities that exist because of an illogical system that doesn't happen in the other thousand districts of this State where parents would go in and say, open it up, let's have this orchestra. Let's have this volunteer serve us. This is the way to create an educational opportunity and I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1010 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Savickas. Have all voted who wish? Take the record.

On that question, the Ayes are 39, the Nays are 15, 1 voting Present. Senate Bill 1010 having received the required constitutional amendment...require...having received the required constitutional majority is declared passed. 1013, Senator Welch. 1019, Senator Netsch. On the Order of Senate Bills 3rd Reading is Senate Bill 1019, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1019.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1019 grew out of a recommendation of the Chicago Coalition for the Homeless. It has been amended as requested in the Senate Executive Committee to meet some objections that were raised there, and the

amendment was indeed worked out with the approval of the Illinois Housing Development Authority. Basically what it does is to authorize the authority to issue bonds in an amount not to exceed one million dollars per year in each of five fiscal years for the purpose of financing single room occupancy facilities for low income individuals or families. The sentence that I think is important in terms of IHDA's approval and the objection raised by some members in Executive is at the end, "Such facilities must be determined by the authority to be financially and operationally feasible and such bonds or note issuances are subject to the normal rating agency and financial market restrictions." What this relates to is the fact that a number of facilities, typically older, residential hotels, that become a major source of housing for particularly elderly people, often single, usually at a low end of the economic order are being destroyed; that is, they are simply...being allowed to go to rack and ruin. They are a major source of housing for these people and as they disappear, it puts pressure on the ability to house this group of people. This at least gives IHDA an opportunity to see whether or not they might not be able to help to keep some of these facilities alive and well so that they will continue to be a source of housing for this part of the population. I would solicit your support of Senate Bill 1019.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Hall.

SENATOR HALL:

Senator Netsch, would you please tell me why the...the

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Illinois Housing Development Authority would oppose a bill like this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

They...they do not oppose it now. They did in its original form, but the amendment was worked out with the association of their legislative representative, and I assume they have no objection to it now because it was done with their approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, I certainly want to commend you. You know, that...it's these people that sit around and decide what's best for others when they have...aren't...confronted with these things. This is a very good bill and I'd ask for a favorable vote for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch may close...the question is, shall Senate Bill 1019 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 58, the Nays are 1, none voting Present. Senate Bill 1019 having received the required constitutional majority is declared passed. 1021, Senator Netsch. On the Order of Senate Bills 3rd Reading is Senate Bill 1021, Mr. Secretary, read the bill.

SECRETARY:

(Machine cutoff)...Bill 1021.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you. I'll take the same roll call on Senate Bill 1021. This is the utility rewrite. As most of you know under our sunset law, the Public Utility Act of Illinois goes out of existence on December 31st of this year. There was created a Joint Committee on Public Utility Regulation which deliberated long and hard and issued a report on which this bill is based. The...I'm...rather than try to deal with all of the particular issues, I'm going to just describe briefly the process by which this took place, because I'm not sure that has really been put on the record to date and then allow any of you to answer questions...or to ask questions about particular provisions if I might. The joint committee consisted of thirteen members, twelve of whom were appointed by the leadership of the two houses and one represented the Governor's Office. It held nine hearings, it invited some seven hundred persons, companies, utilities, everyone under the sun to participate; and at least a hundred and fifty did, in fact, participate over a period of at least seven or eight days of hearings, and after the hearings the committee itself deliberated another five days. The...there were originally thirty-eight topics that were suggested to everyone as major issues to be considered, and optional suggestions were sent out so that those...those who came to testify would have something really to focus on and most of them did indeed focus on that. Of the original thirty-eight topics that were proposed, nine received no recommendation in the joint committee's work and are therefore not represented in the bill. Five led...five additional ones led to explicit recommendations of no change from existing law; and of the remaining twenty-four topics that had been proposed and deliberated on by all concerned, many of them are recommendations for study and for additional action by the commission over

the...years ahead. A large number of the remaining twenty-four also...represented recommended changes in the nature and procedure of the Illinois Commerce Commission, hopefully, bringing about both more accountability and deliberation in its procedures. In other words, of the thirty-four changes which were considered substantive, nineteen of them...are recommendations that were similar to those that were...included in the Governor's Sunset Task Force, fourteen reflected recommendations or suggestions of the Governor, and six are recommendations for studies and eleven again relate to the Commerce Commission itself. What I am trying to point out is that the bill itself as indeed was the report of the joint committee represented compromise. We did not include or address any of the issues that were among those thirty-eight topics unless there was a strong consensus. I am not suggesting unanimity, it does not mean that every member agreed with every one of the recommendations; but, for example, the question of how to deal with the problem of those who cannot afford to pay their utility bills under any circumstances. We recognized we were not going to be able to develop a consensus and so we did not include that in the proposed legislation or in the report. Again, what is reflected here is the result of long hours of deliberation and hearing everyone involved on the part of thirteen persons who represented a very broad spectrum of points of view. Certainly started out that way and I think...ended up in consensus only because we concentrated on those issues on which there was substantial agreement. I recognize that there are still one or two issues that are somewhat controversial in the bill, and I suspect that there may be some additional work that will be done on it before it sees the Governor's Desk on June 30th or July 1 or whatever date. But I would...I would strongly suggest to all of you that even in its present form it is a balanced, sound, progressive

approach to the future of utility regulation in the State of Illinois. It...it mandates the kind of planning an accountability that all of us, I think, believe are the heart of regulatory action. I would strongly commend it to your favorable disposition and will be happy to answer any questions.

END OF REEL

REEL #9

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. 1021 is a fact, it's here. The public perception of 1021 is that it's going to reduce the utility bills and that is not true. The public perception is that 1021 is going to prevent additional increases in utilities, that is not true. 1021 is more of a political bill than it is anything else. This bill can be an absolute...an absolute Statewide political campaign. And it does absolutely nothing, absolutely nothing, for the poor Joe Blow who is inundated with the high cost of utility bills. Well, let me give you a little run-down on the cost. In 1970, a deluxe Chevrolet car dressed up cost twenty-nine hundred dollars. In 1985, that same car cost fifteen thousand dollars. In 1970, a six-room home in the City of Chicago, the average cost of heating, cooking and hot water was thirty-three dollars a month. In 1985, that same home, heating, cooking and heating hot water is only ninety-seven dollars per month. So the utility increases have not kept up with the cost of other items that we consider a necessity. Senate Bill 1021 is not a cure-all for anything. We are regulated today and it is said if 1021 is not passed in

December of '85 that we will no longer be regulated. Well, all hell has broken loose under regulation. Everybody is complaining about the high cost of the utilities and we are regulated. So to say that if we are not regulated that the utility costs would be astronomical, let me tell you something. It was stated the other day by one in authority here that when the Byron Plant comes into being in '86 we're going to be hit with a twenty percent increase, regulated or not. And when the Braidwood Plant comes into being, we're going to be hit with another twenty percent, regulated or not. So when we talk about what 1021 does, I wish it did something. But even the sponsor has not, has not, been able to show me one line in the bill where it will, in fact, reduce utility rates to the consumer. She has not been able to show me, and if it's in the bill she doesn't even know it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, Senator Chew, could you please bring your remarks to a close.

SENATOR CHEW:

Now...yeah, this is little more important, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

We have...gone beyond...

SENATOR CHEW:

I'm going to abide by the Chair. So I want the people to know...I may end up voting for 1021, I don't know. But I think the record should show that 1021 does not cure any of the ills that we have on utility bills, and it is a shame that we have permitted the average consumer to believe that 1021 is a cure-all. It is not a cure-all. The sponsor knows it, everybody here with common sense knows it, and we should not allow the public to fall in this disbelief of...we have a piece of legislation that is going to cure the whole problems of utility bills. And I want the record to show that 1021 is not a consumer bill, it's a consumer fooler.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you...thank you, Mr. President. I'd like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will...she will yield. Senator Kelly.

SENATOR KELLY:

Yes, Senator Netsch, I'd like to ask you, you indicated that you listened very intently, you and the committee, to both sides on the issue. What I'd like to know, did you get a understanding or compromise or is this what you and the members of the committee thought would be a worthy compromise?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I'm not sure I heard the first part of your equation. I...I heard you say, did...is this what we thought was a reasonable compromise?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Right. What I'd like to know is, you indicated that you did listen...intently to both sides to make a determination. What I'd like to know is, did the both sides participate in the compromise legislation or was this a determination of the members of the committee and yourself feeling that these concepts were the best ones and both sides would more or less abide by? Did they participate in the compromise? Is there any understanding by...by the citizens' group or by the utilities that...that they aren't going to get everything they want but that this is the best available legislation at this time? I know both sides are not happy with it, but did

they participate in it? And are they willing to...is it an understanding, has this been an accepted compromise?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I think it's probably fair to say it is not an accepted compromise by either end of the spectrum, if you will. But I think it is also fair to say, Senator Kelly, that both sides had full opportunity to participate. As I indicated, we had, as I recall, at least seven days of hearings, all day long hearings. We had five days of deliberations at which all the participants or as many as chose to sat in. And indeed we even set an extra afternoon so that the chairman of the Commerce Commission and his staff could present another series of points of view that had not been accepted prior to that. So that there was absolute ample opportunity for every conceivable point of view to be presented, and I can assure you that they...they were known, they were discussed and they were taken into consideration. What we did was to try to structure a bill which met a...what we thought were the major objectives of regulatory action over the long-run. And I think one thing that should be pointed out is that although there clearly are a couple of provisions that are still highly controversial and not accepted by either side, the excess capacity provision, for example, the vast bulk of the bill, even the utilities tell me, is clearly good law. That is it...it rewrites the objectives, the accountability section; it makes a planning process that has never been part of our regulatory law before. I think all of those matters are probably well accepted. It is a few points where we had to try to strike what we thought was a reasonable balance and that is what we did on the more controversial provisions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, for a minute, when I listened to Senator Chew, he had me fooled. He sounded like a conservative Republican. I thought about inviting my good friend Charlie over to this side of the aisle. But then, when he gave us all the reasons we should be voting No, he's decided to overcome his good judgment and vote Aye. I might suggest this to you, that we tried to work out some compromise amendments with your leadership. As you know, the other day we presented, I think, some six or seven or eight amendments which, quite frankly, were good compromises. And all of a sudden it became, for some unusual reason, a partisan issue, and we withdrew all but two of those amendments. Now we have Senator Netsch's bill which is allegedly a compromise. If it is, I don't know what a compromise is...because when I look at who opposes this bill, not only the labor unions, the public utilities, the corporations, the users, and Senator Netsch tells me even some of the people in CUB oppose this bill. You know, we tried to work out compromises, I like to think that we're reasonable, we'd love to solve this problem. I would suggest to you that I'm going to vote Present to show you that I'm willing to sit down and talk and work on this problem but I'm not willing to add to the confusion by passing 1021.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Netsch, to show you I have faith in you, I'm going to be voting Yes. I'm so confused and so angry at these utilities'...rates. I'm not going to be like the man who was on his way between Los Angeles and...and San Francisco and as he turned the curve around the mountain he

fell out of the car and he was just hanging on a twig. And as he looked down to sheer death three thousand feet below and he knew and saw that this twig was pulling out of the mountain, so he said, "It's praying time now." He wasn't a man who ever professed much in religion, so he looked up and he says, "If anyone is up there, please answer...my plea," and a big booming voice came out and said, "Do you have faith?" And he looked up and said, "Oh, yes, oh yes, oh yes." This voice came back and said, "Turn lose." He looked back up there and he said, "Is there anyone else up there?" So, now what I'm going to do is to tell you that I have faith in you. I don't know, but whatever you do, you're doing something, and I'll tell you that these people need to be bridled and I'm going to be voting with you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

...thank...thank...thank you, very much, Mr. Chairman, Ladies and Gentlemen of the Senate. I served as a member of the joint committee. A lot of effort went into Senate Bill 1021, as Senator Netsch has indicated. But the bill, ladies and gentlemen, is in terrible shape. It is in terrible shape and something has to be done. I was really shocked the other day when after the amendments failed on the Floor of this Chamber to read the papers the next day and read that in several of the stories the headlines read, "Consumers Win...Consumers Win." Senator Chew, you were absolutely on target. The consumers did not win, the consumers are losing, they're losing every day with this bill if it should pass in this fashion. The major concern for me is the issue of excess capacity. It is a very real issue. It's important that if this bill leaves this Chamber and goes to the House that sometime before June 30th we address that issue. Economic development for the future is a factor here. When we

dealt with this...bill in committee, so many times in our questioning we heard from bankers, bond houses, you name it, that if we were to set these kinds of limits on the public utilities in this State, indeed, the long-term result would be higher utility bills. Without question, some of the companies indicated to us clearly that if that limit was placed on, all they would do, their board of directors and their investors would insist on it, that they would close down those plants that were already in their thirtieth, thirty-second year of life, they'd just simply close them down because they're going to use the nuclear plants. They're going to build those one way or another into the rate base. This bill absolutely, ladies and gentlemen, has to be prospective, it cannot be retrospective, it's in bad shape. Senator Netsch, I, too, as Senator Chew has said, because I believe in the system and I believe we can work out the problems, am going to vote to get this bill to the House. But I mention once again to the Body, and for the sake of the consumers, and I hope the press is listening to this, this is not a consumer bill in its present form.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Netsch, why is the Illinois State Bar against this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, I have...that's a very good question. I have asked...raised the same question myself, as a matter of fact,

Senator Geo-Karis. I have seen a memo also indicating that a presentation was made by the chairman of the Commerce Commission to the Utilities Committee of the Illinois State Bar Association which...agreed with his position on some fairly esoteric questions involving judicial review. I...I think they are incorrect, I don't think anyone ever had an opportunity to present another viewpoint to them, and in any event, that is certainly not the heart of regulatory action for the future.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator...

SENATOR NETSCH:

It is only a part of the bill is what I mean.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I think I have fought for...consumers' rights on utility bills for a long time and my record will speak for itself. I supported the Citizens' Utility Board; in fact, I sent a hundred dollars to them last year as a contribution when they started out, and I campaigned on it and I believe in it, but I'll tell you right now, this bill is not the bill that is going to help the consumers when the...when it's going to cost the...user, the consumers, about a hundred and seventy-five million dollars if there's a...one percent...increase in the cost of capital. And as Senator Chew said, and I don't always agree with Senator Chew but he put it so eloquently, this bill is a good political bill but it's not going to help the consumers, and, frankly, I'm betwixt and between; if I vote No, I'll look like I'm anticonsumer, if I...you vote Yes, I don't think I'll know what I'm doing. But I can tell you right now, I wish you would...pull this bill out of the record and give it some more time so we can really work on it

and make it feasible. I can tell you very frankly that the widows and orphans who depend on their stock dividends are going to suffer, and I might tell you that I have two thousand pieces of mail from my constituency against this bill and its amendment. So, I can also tell you that I want to see the consumer benefit but if it's going to cost the consumer more money in the long-run by this bill which is touted as being consumer bill, then I think it's a sad, sad day. I think we're abdicating our responsibility to the consumer and the Illinois...what is that, Political Action Council, they can go ahead and tar and feather me all they like, but this is a bad bill, and besides, they didn't get what they wanted in the bill either, so...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis, could you bring your remarks to a close, please.

SENATOR GEO-KARIS:

I'm bringing them to a close as fast as I can. But I do feel, in all due respect to you, and I do trust you but I think you are wrong in the formation of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I would just like to share with you two conversations today that occurred regarding this bill. One was ex-Representative Ed Kornowicz who had called from Saint Turibius senior citizens' meeting about...support 1021, that this bill is going to save them a lot of money, that their...they can't pay all these new rate increases. I said, well, Senator, two of the chief proponents and the chief sponsor of the bill indicated that if this bill passes the rates will still go up, say, November or December. Do your senior citizens know this? He said, no, they don't. I says, well, don't expect the rates to go

down even if this bill passes. Another conversation was from a Mr. Bobby Brown who called my Secretary, he's with the Organization of New City, it's on 740 West Garfield, and if he's an indication of the type of groups that are supporting this legislation through their innuendo and intimidation, he told my secretary in a phone conversation that if I don't vote and support Senate Bill 1021 that he's going to go to the news media and say that I received a ten thousand dollar contribution from Commonwealth Edison. I...I called Commonwealth, but I...I bring this up to show you that the type of organizations...the type of organizations and the type of intimidation that some of these people are trying to use. If this bill is so good, it should stand on its merits. If it is bad, it should be defeated. But if these people, and if the drafters and the promoters of this legislation have fooled these people to the point that they are trying to intimidate you with false statements to pass this bill, that there is some lack of communication and something wrong on the method that...whether if it's CUB or IPAC or whatever organization is pushing this, that there is something wrong with their methods in trying to obtain proper legislation. I think that they should be chastised. I wanted this in the record in case this New City Organization tries to intimidate any more of our people. I know they had a conversation with Senator Chew and I don't know how many others that they were trying to use these scare tactics to...I guess run our legislative process through their own community organizations.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 1021, not because everything that I've heard from the opposition is not true because it

is, with the exception of I think Senator Chew said that this is a good political issue. For me this is a very, very bad political issue but because most of the people back home that I serve have very...high utility bills of which they cannot pay during the winter, and I run a full-time legislative office and...and for most of you this fall who will probably be about your business, your...your second jobs or your businesses, I will be sitting in my office when the utility rates go up trying to answer the questions, why your utility bills went up when we enacted 1021 into law. And that is a very difficult thing to do. One of the problems with this bill is...is not the bill itself, because what we're doing is what we have to do. There...there are times when we have to weigh what we do or not do and then decide what is best to do. I think in this case...the media, if they would say that the consumer won a victory...simply because they won the passage of 1021 which...will, in fact, they will have some regulations of the utility companies or whether or not we did nothing...at all and come December 30th, there will be no regulations at all. And that's the issue I think we have to face. We have to do something. The sponsors of this legislation has indicated that they recognize that there are tremendous problems and...questions unanswered in reference to this bill and that it will go to the House, negotiations will still continue so that we can hopefully make this into a real...a consumer and a reform utility Statute. And that's why I'm voting for the bill, and I wanted the record to show that by no means the passage of this bill will not increase the rates during the fall.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. Prior speakers have referred to some portions of this bill as

esoteric things like judicial review. Well, how these issues are structured before the regulatory agency are very important. This bill, as I said when I unsuccessfully offered these...amendments to strengthen this legislation, bristles with good intentions. They grow all over the bill but they're absolutely unworkable in their present form. Senator Collins, the fastest growing part of our ratepayers' bills is their taxes that are computed on those monthly bills. Take a look at them sometime. This is not the only legislation dealing with this issue but it's a start. Senator Chew, your why are days come back now and then and you say some excellent things. I'm sorry Senator Geo-Karis mentioned the opposition of the State Bar Association, Senator Philip's finger crept towards the green switch. But by and large, this isn't the last time we're going to see this thing, and as long as everybody in this Chamber, and I think the debate is adequately developed, understands that this 1021 is not going to cause any ratepayers' bills to go down and that it is good intentions poorly executed, then perhaps later on in the process this bill or other bills will be before us in more workable forms. I will probably vote to get it out of the Chamber, but believe me, this...this bill is in no shape to become a part of the Statutes right now. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

I have a question of the sponsor. Senator Netsch, would...would you explain what happens...what...what is done in this bill to the chairman of the commission and is there an executive director created...would you explain what happens to the chairman? Is there a change in that position?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yes, the...the bill provides for the creation of the office of executive director to be selected by all of the members of the commission.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Does the executive director take the place of the chairman or have the powers that the present chairman has?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Only with respect to ordinary administration of the work. The chairman is still the chief executive officer of the commission, using corporate terminology. The executive director is the...I suppose the expression would be the administrative officer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Why do we need both?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, there probably are several reasons. I think one is that the commission itself has not really functioned effectively as a full commission and that is substantiated by...I think by some of the members present and former. The feeling is that it must operate as an entity and that some of the routine administration, supervision of staff and all, ought to be handled by someone who is selected by and accountable to the full commission.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

To the bill. First, I'm going to make a statement that I think will anger some of my friends, but the fact is that the current chairman of the Commerce Commission was the campaign manager of the man on the second floor and, as such, probably could have chosen any position in State Government that he wanted. Why in God's name he chose to be chairman of the Commerce Commission I think a lot of people ask themselves and maybe he's still asking himself. But he's on the hot seat and I, for one, think that in a most difficult position he's done a most admirable job. And I want that statement on the record, very clearly. And...and I don't think that anything that's being done in this bill should impugn the integrity or the...the job, the professionalism that the chairman has...has displayed...in regards to the bill and talking about consumerism and the Illinois Public Action Council and...we heard over the weekend about thousands and thousands of dollars being spent by Commonwealth Edison to defeat this legislation, dollars that will go into the rate base so that all of us will be paying increased rates. When the Illinois Public Action Council lobbies somebody, it doesn't cost the taxpayers one dime, that's their job. Some people aren't sure how to vote, the bill's not ready, it's not in good shape, it's not proconsumer, it's not going to provide any relief. I think probably that's all true. But we all know that this bill will be back here on June 30th and it will probably be completely different than it is now. And a lot of those problems that have been alluded to on the other side of the aisle will be corrected, we have another month. The fact is, if we do nothing, on December 31st, there will be absolutely no regulation of the utilities' companies, the utility industry in the State of Illinois. Nothing could be worse than that. This bill will be back, worked over, we'll all have a chance to get our input, there's no reason to vote No. Let's keep this thing alive so we can have some regula-

tion and we can improve this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I...before I begin my brief remarks, I was handed a note by my colleague and seatmate, Senator Chew, a copy of a message that...his office had received today from a Mr. Harper from the Organization of New City. And on the note from the secretary it says that if you vote against Senate Bill 1021 that they will call the media and they are going to call the mayor. I assume, Senator Chew, you are in the City of Chicago, so I assume that the...the mayor in question is the...is the one we all know and who had served here in this Body before, and certainly Senator Chew is not going to be intimidated by any phone calls that are going to be made from his district. He assures me. Well, on my own behalf, let me simply say that I rise in...in support of this bill. I think on many occasions over the eleven years that I have served in this Body that I have called for reform of the Illinois Commerce Commission and to make the Illinois Commerce Commission an accountable body in this State and, frankly, the level of playing field so that the consumer and the ratepayer had an even voice in the ratemaking decisions, and I think Senate Bill 1021 is a step in the right direction. And I want to compliment Senator Netsch and the members of the commission for their long hours of hard work and for the product that is before us today. And I don't want to reiterate all of the specific measures that individuals had discussed before my remarks but I will clarify and say that this bill, frankly,...decentralizes the chairman's powers and it gives all the commissioners some input into the commission decisions and the procedures and I think that's an important aspect. It also requires some long-range planning, which

Senator Netsch referred to, the consideration of alternative energy sources and requires a commitment to provide the least costly power, the prudent investment and the used and useful standards for determining the inclusions in the rate base and requires the Commerce Commission to take into account the affordability and the ability to pay, and gives greater power to the Commerce Commission to regulate utility holding companies and their...subsidiaries and consolidates existing State supported intervenor groups into the office of public council with the appointments made by the General Assembly, and finally, it includes a moderate excess capacity provision which gives relief to ratepayers for poor utility management decisions. And it's concerning that this final point, which is the most significant economic issue in Senate Bill 1021, that it's unfortunate that we are having to legislate excess capacity, for an accountable Illinois Commerce Commission in this State would have adequately addressed this issue at a time when an application before the Commerce Commission was made to bill any new power plants, but that Commerce Commission has not provided that accountability and, therefore, we are forced today into this position to legislate it. I rise in strong support of Senate Bill 1021.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, I think our minds are all made up but I think for the record a couple of things have to be shown. We are, in fact, embarking on a significant course of public policy here in trying to rewrite a Utility Act. I am most disappointed because the elements that I think and others think are the primary factors for the rising utility rates have not even been dealt with. Number one issue, taxes. Senator Bloom talked about taxes, but let me point out to you that for some utilities the largest single cost...largest single cost is

taxes. I was in Dallas last August...and you know we're dealing with educational reform, let me tell you how Texas does it. Governor White says, I need a billion dollars. They said, you got it, let's just raise the severance tax and let the people of Illinois pay for our educational reform. I was in Colorado in December just before the opening of the General Assembly there, and Governor Lamb came out with the same suggestion for the State of Colorado, let's raise the severance taxes on western coal and let's Illinois pay for our education. Nobody has dealt with that issue, and I think if you look at the breakout of costs, you will find out that taxes are in many instances the major cost for the utilities. But we're rewriting an Act, we're going to go out and do something about it, and what do we do, we go the opposite. Let me show you what we've done. The taxes are on raw material. Is there anything in the report on raw material? Nothing. But let me tell you what else they did. They, in fact, enhanced the ability of Montana, Colorado, Texas, Oklahoma, even Ohio, because what they said, we're not going to deal with central dispatch, we're not going to let our in-State utilities sell energy to other people. We're going to force these people to buy that western coal, to bring it in here, we pay their taxes to Colorado, to Idaho, to Montana, to Texas, to Oklahoma and they're dealing with the problem. One of great enjoyments I have is occasionally I have lunch back home with a very portly gentlemen. We go to an Italian restaurant and have a real Italian food orgy. The last time we ate he got most upset after indulging...and I won't go through the menu...he asked the waitress for saccharin. She said, we're all out. He got really honked-off. We'll I'll tell you, this bill is saccharin for obesity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Poshard. Senator Poshard. We'll, I...think you're going to have to...Senator Poshard,

at Senator O'Daniel's...microphone.

SENATOR POSHARD:

Thank you, Mr. President, members of the Senate. I know that by the...the very nature of the beast that we have not been discussing all this time nor are we now...a lessening of the utility rates in this State. So I think that's a given. Like Senator Geo-Karis, I have received many letters from people in my district asking me to vote against Senate Bill 1021. All of those letters essentially concern one thing and address one issue and that's the cap on excess capacity. I sat through the committee for many hearings and listened to all the testimony, and ninety percent of the testimony in that committee addressed essentially only one issue and that was excess...the cap on excess capacity. So whatever else is lacking in the bill, I think in addressing that issue, the twenty-five percent cap, with the provision that any utility company in this State can come before the Illinois Commerce Commission, debate the issue as to whether or not they need to produce more energy to either meet emergency needs, increased economic development in the area in which they serve or whatever reason. I don't understand what's wrong with that requirement. Is it asking too much to ask a utility company which impacts upon every consumer in this State to come before the commission and justify why they need more than twenty-five percent energy production above peak demand load? I don't think that's very much different than what they're required to do now. And if that is ninety percent of the issue, I don't see where this bill is wrong in its intent or so bad as many of us have exclaimed. The utility company in my area, Central Illinois Public Service Company, I think has taken great pains and has made great strides in trying to be more consumer oriented, I think they've opened themselves up to many good things in terms of working with the consumers in our area. And I think this bill just goes one step

farther to help them in that regard and to help any company that wants to do what's right by the consumers. I would urge support for the bill and the two amendments that's on the bill. I think it's a...I think it's a decent bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey.

SENATOR COFFEY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Coffey.

SENATOR COFFEY:

With the...with the hundred and twenty-five percent cap, with the twenty-five percent over...do you feel that that'll have any effect on the bond rating or the cost of capital...to the utility companies?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No, I do not, and...and one reason why I would like to explain this, Senator Coffey, is that the use of the word cap is really not accurate, it is not a cap. Even in our original version it was not really a cap. And in the amended version it clearly is not that. It is a goal, an objective, if you will. It, in a sense, shifts the burden of proof to the utility but after hearing by the Commerce Commission to demonstrate that something above or below twenty-five percent is appropriate for reliability or other objective regulatory purpose. What it says is that after that period, after that twenty-five percent excess...then, and...and if the utility has not demonstrated that it is absolutely...necessary for reliability, then the only thing that happens at that point is that the return on common equity of the excess portion, not of the entire portion but of the excess portion, is not

included in the rate base, but all of the construction costs, all of the return on preferred, the debt financing, everything else has already been included. So it is a very small amount that is, in a...in a sense, excluded, and even there, the commission has discretion. That is the way the amendment is...is written right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Well, in the testimony...in...in committee when First Boston and...and the Soloman brothers, you know, in their testimony, and just saying that those bond ratings, you...in fact, would be increased, you know, why...you know...and there was no...no one...argued that point in committee...why would...why would we have not have argued that in committee or...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, I was not a member of the committee and I didn't really have an opportunity to argue it at that point. But I don't see...let me just mention one other factor. I know this is a different kind of answer to your question, Senator Coffey, but there...there already are a number of states that do take into account so-called excess capacity and the most frequent penalty, if you want to call it a penalty, is to exclude the return on common equity. There are some states...one state that has a twenty-five percent excess capacity and their's is, I think, is actually a cap. There's one with twenty percent and there are others that take that into account. Excess capacity has been a factor in rate regulation and determination of proper return actually for a long period of time. This is not a new idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Coffey, your time has about expired.
Senator Coffey.

SENATOR COFFEY:

...okay, well, thank you, Mr. President. Just...just a couple of comments then. First of all, I think it's rather confusing for all of us and so far most of the testimony I've heard here today is saying that this...this bill is not going to do anything to help our utility bills. And...and I, too, think it's unfortunate that we're leading our constituents in. I was one of the fortunate ones this week that had a group here to sing songs to me this week. But, you know, it seems to me that if we're going to...to pass legislation here with the intent to do something about the utility bills...and I hope you're right. I hope if I end up supporting this thing it does that. But I certainly want to be on record that a year from now or two years from now when the utility rates go up and if, in fact, that what has been told to me by manufactures, chamber of commerce and other industry and business around the State that it's going to create additional cost for them, which means that it's going to drive business out of this State, which is going to hurt the economy more than it's hurt now here in Illinois, I'd certainly want to be on record as saying that...that I told you so. So I...I hope you're right. I'll probably end up supporting the bill but I have a lot of questions on...the testimony I've heard everybody seems to be very negative and we're about to pass a bill out that's not going to...accomplish anything, could cause some...create some other problems.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, further discussion? Ladies and gentlemen, we have five additional speakers in this order: Senator Zito, Senator Smith, Senator Keats, Senator Jerome Joyce and Senator Rock. Senator Zito. All right. Senator Davidson has moved the previous question after those five speakers. We'll hold

that motion till we get there.

SENATOR ZITO:

Thank you, Mr...thank you, Mr. President and members. I don't speak on too many pieces of legislation before this Body but this is an interesting subject for me and I'll...I'll tell you why I'm a little closer to the subject than maybe most of you. My dad has been a Commonwealth Edison employee for the past thirty-nine years, and I represent a...a district that has two Edison facilities in it, and certainly my office has been swamped with post cards and letters and telephone calls urging me to vote against this legislation. I have a problem because my history in the General Assembly has been consumer oriented in the sense that I've tried to wrestle with the very serious problem of helping consumers keep rates down. And when I hear Senator Savickas and Senator Chew say that...the other side of the issue has hit them quite extensively on...on the vote on this bill, well, the Edison employees and the people affiliated with Commonwealth Edison did a pretty fair job of their own. As a matter of fact, yesterday and the day before, I had calls coming right to the Senate Floor from businessmen in my district that really didn't know what 1021 did except that they wanted a No vote on it. Let me just tell you a couple of things that I have...I've tried to do in the last month or so. Being interested in helping...I...I see the problem as twofold; number one, to make absolutely sure that we maintain the equity of stockholders and the effectiveness of the power companies; but number two, that we at the same time address the needs of the ratepayers regarding the ever rising utility costs. In an effort to try to find some common ground, I worked very closely with my area Edison representative and also the chairman of the board of Edison, Mr. O'Connor. We spoke several times on the phone in an effort to try to work out a compromise; at least tell him that I would be willing

to offer any amendments that we could accomplish both...both of these tasks. Edison did not...was not interested, I guess, or felt that the bill was so bad in their...in their eyes that they couldn't support any amendments or any changes and would like to defeat the bill. I think now I'm in a difficult situation. But I'm going to vote Yes for this because, as Senator Philip said he's going to vote Present, I...I think if we vote No and don't have a vehicle or don't have a bill to work from, there will be no more compromises, the issue will be dead. If we vote for...to support 1021, I think the door for compromise...the door for...communication is still open and we might have a better piece of legislation as a result of it. I'm going to support it with the hopes that those two issues can be accomplished.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I guess I'll sound redundant to what others have said already, but I want for the record's sake to know that I have said something on behalf of this, for I've received many, many letters from my district, people who are employed by Commonwealth Edison. They are not only employees but they happen to be shareholders, and then the...chairman of our board at the Provident Hospital, Mr. Dugas, is a member of Edison in a very prominent position. They came down here and we were privileged to have breakfast with some of the leading executives there of the district from Commonwealth Edison. And during the discourse...during the breakfast hour in their presentation to us, all they spoke about was the expansion of their business, the expansion and what it's going to cost them if they don't get that. And I...at the...close of his presentation I asked him, I said, well, what about the consumer, that's who I'm interested in. But not one thing was

said about the consumer. And then on Tuesday, we were also visited by the people from New City and they were out here in droves and they're asking that you do not vote for the amendments but please vote for 1021. They came with their electric bills, their gas bills, et cetera and asking us that we vote for 1021. I'm going to vote for 1021 because I think there's a necessity. But the only thing that I feel sorry for are a lot of the elderly people, a lot of people who are on public aid in my district who have very large bills and they have no way, they see no way of making these payments. And so, I want to compliment our sponsor for this bill, Senator Dawn Netsch, I think she has broad shoulders and I'm so glad I'm not in your place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Keats.

SENATOR KEATS:

I'm going to take a different tact on this and I, at this point, still don't know whether I'm going to vote Yes to keep the process going or whether I'll vote Present with some of my Republican colleagues. But, you know, one of the frustrations is listening to all this, is this report misses the real cause of increasing rates. Everyone is talking about increasing rates and you're right, I mean, it is a significant problem. Unfortunately, the majority of the commission members when they wanted to discuss rising utility rates forgot to...forgot to ask something about the problem. The symptom is rising utility rates. The problem has something to do with a lot of other issues. Senator DeAngelis raised one of them, have you ever looked at these utility taxes, not just what we're paying here but what we're being charged elsewhere? Instead of making a political statement we should have looked at taxes the way Aldo mentioned. Let me throw in another, construction costs. Every time we throw in something new on utility construction costs, which one of those

Comm. Ed. plants originally...1.2 billion and costs five billion to build? I mean, you want to know where costs are when you have your plants going up three hundred, four hundred and five hundred percent in costs, ask your ratepayers what they costs them. Nowhere does this report give the Commerce Commission the right to look at something like Commonwealth Edison as a business, and Commonwealth Edison is a business with a guaranteed profit but it is a business. And the fact is, one of the reason Commonwealth Edison's rates are so high is because it is a poorly run business. Let me state that again, a poorly run business. And until we start to deal with the fact that taxes are significant, construction costs are murder, Commonwealth Edison is a poorly run business and the fact that nowhere does this report allow us to export power. You know, Aldo brought up the point, meanwhile, Colorado and Wyoming are sticking it in our ear. Well, we could do the same thing to somebody else if we would set up a system to wheel some power, to sell to some of the other areas we could do all that. Where was this in the report? Those are the things that lower utility rates. Political demagoguery gets votes but it'll raise utility rates. If we really were working closely on it, we would have looked at those exact things that Also brought up, that Charlie Chew brought up and all these other problems. Then we'd pull rates down. And I say...and I still don't know what I'm going to do on this, whether I'll continue the process or go Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you. Further discussion? Senator...Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. It was mentioned by the first speaker, Senator Chew, that this would probably not lower the rates. Well, let me tell you, when Braidwood...or Byron I comes on line later this year, Commonwealth Edison's rates

are going to go up probably fifteen percent, and between 1985 and 1987 rates are probably going to go up forty-five percent. Now let's look down the road, if people would have done this ten years ago. If this legislation had been on the books ten years ago, these utility companies wouldn't be in the fix they're in right now with all this excess capacity. They would have had to go to their stockholders and say, now look, we have a hard, tough choice to make and that's whether to build more nuclear plants or power plants in this State. But there was no incentive for them not to do it. There was nothing there that said, you know, if...if you make too much power, your stockholders are going to have to pay. There was nothing there saying that and the Commerce Commission let them go ahead and build. Consequently, today, we're in a position...we're...we're going to have forty-eight percent excess capacity in some of these utility areas. Now if we'd have done this ten years ago, we wouldn't be in this mess. And I think that we also have to think of...business as a consumer. Chrysler came before our committee, they thought this was a good idea. Senator Keats mentioned the fact that we should be selling power. We can't sell power...they were...Commonwealth Edison was asked to sell Braidwood...there's...everybody has got excess capacity in this State. Nobody...they can't sell it out-of-state, nobody wants it. So I think what we have to do is look down the road and...and try and do better for people that are going to be paying for power ten years from now. And what...another thing has been said that if this bill passes it won't do anything for the rates. Well, that's wrong, it can lower the rates. In 1987, if the rates are going to go up forty-five percent if we don't do anything, but if this bill is in place the Commerce Commission can throw back some of that and throw out some of that excess capacity and that will keep the rates from going up forty-seven percent. So I think that's the

thing we have to look at. If we pass this bill, rates don't have to go up forty-five percent. The Commerce Commission will have the authority to throw some of that back. So all of this argument that this bill won't help is a fallacy; this bill will help and it will help on down the road and it will help the people in 1987. And I would certainly urge your support of this bill. And you may not get another chance to vote on another bill, and how are you going to play...explain that to your constituents? So I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to agree and to disagree in part at least. Senator Netsch described Senate Bill 1021 as amended as balanced, sound and progressive. I thoroughly disagree. It is neither balanced, sound nor progressive in its present form and I think that's the point. My suggestion to Senator Keats and others who have expressed some dismay is that yes, indeed, we had better keep the process moving; otherwise, for certain, we will be back here in the Fall by virtue of either the Regular Session or a Special Session, because the regulation sunsets in December of this year and we ought to get our act together. But I think in order to keep the process moving, not unlike what we have been able to accomplish at least in part with medical malpractice, we're going to take...have to take some long hours of negotiating to finally arrive at a work product of which we can all be proud. But in the meantime, this bill has to get over to the House this week so that the process can continue; and on that basis, I intend to vote Aye and ask those who are less than certain to do the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch may close.

SENATOR NETSCH:

No, I'm...thank you, Mr. President. Let me make four brief points; one is, this is not Senator Netsch's Bill, this is the work of the joint committee; and indeed the sponsor of the bill when it arrives at the House, which I hope and trust it will, will be a Republican who was the chairman of the joint committee. Secondly, none of us ever represented that this bill was going to reduce current rates. I think Senator Joyce has now made a point which I have emphasized over and over again very well. I believe that if this had been in place ten years ago we would not have the rate shock that we have right now, but we still have a lot of rate shock ahead of us. I genuinely believe that if this bill or something like it is in place that some of that will be evened out in the future and that is because of the very strong objectives and planning and accountability commitments that are written into the bill. Third, with respect to those who are concerned about the business community, and I know they have in their formal sense all opposed the enactment of Senate Bill 1021, let me suggest not just to you but to them also that they are also ratepayers, and probably the major deterrent to economic development in the State of Illinois is the fact that we currently have the fifth highest utility rates in the country, and when those additional nuclear power plants come on line we will have the highest utility rates in the country. That is not an incentive to economic development in the State of Illinois. And finally, let me just say that I do not describe this as a consumer bill nor, obviously, do I describe it as a utility bill. It is, Senator Rock, indeed, a reasoned, balanced approach to the long-range commitment of this State to regulatory legislation of the utilities. I may be the only one who thinks so, but I think it's a good bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1021 pass. Those in

favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 1, 26 voting Present. Senate Bill 1021 having received the required constitutional majority is declared passed. 1029, Senator Lemke. On the Order of Senate Bills 3rd Reading is Senate Bill 1029, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1029.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does, amends the...Sales Tax Acts concerning enterprise zones, exempts from those taxes transactions involved in sales of building construction materials for use in real estate located within the enterprise zone. What this bill does is gets rid of the...effects of paper shuffling and makes it a...straightforward exemption. There's no revenue reduction by this bill. It's simply instead of having the consumer pay the building supply company and the building supply company give me a discount and then reapplying for a refund, this simply just takes that...all the paper shuffling out and eliminates and saves the expense. I think it's a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1029 pass. Those in favor will vote Aye. Opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays

*SB 1032
3rd reading*

are 4, none voting Present. Senate Bill 1029 having received the required constitutional majority is declared passed. 1032, Senator Jerome Joyce. On the Order of Senate Bills 3rd reading is Senate Bill 1032, Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1032.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This bill is a bill that...would provide legal assistance for farmers who cannot afford attorneys. This is when a farmer has gone bankrupt and this will...or in the process of going bankrupt or doesn't know what to do in these very, very troubled financial times that we see right now, this is the least we can do, I think, for these people who are being forced off their land and...and without...anywhere to turn. And this is...going to be done at a minimum of legal...of cost to the taxpayers by utilizing the offices of the...the legal aid providers which are already in existence and thereby cutting down overhead costs. I'd be happy to answer any questions if there are any.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Watson.

SENATOR WATSON:

Could I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

You sure can.

SENATOR WATSON:

Than you. What's the cost? I didn't hear a cost factor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, the appropriation is four hundred and thirty-six thousand dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

That's on an appropriation bill somewhere?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce. Senator Watson.

SENATOR WATSON:

Is there...is there anybody who is opposed to this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schaffer.

Oh...Senator Joyce.

SENATOR JEROME JOYCE:

No, there is not, every farm group is for it. The University of Illinois Extension Service, Rural Route it's called, came and testified and I was somewhat shocked at what they had to say about the...the agricultural people who just had no way to...nowhere to go and no one to turn to, and...and they are working with these farmers and they are not attorneys and what they recommended was this program and, you know, it's a very, very sad thing and I don't like to come in here and ask for this...for money to put people out of business, that is not what I'm about. I think farmers should be...helped in other ways if we're going to be spending money, but I guess that it...they're in such sad shape out there that this is why everyone is asking for this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

I'm sorry, you may have addressed this earlier, but what is the basis and criteria, what...what is going to be the

mechanism by which these people are going to be decided...who gets what?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

This...this creates a Farm Legal Assistance Board...consisting of the Attorney General, the State Treasurer, the director of Agriculture or their...their designees and that board is authorized to set up criteria and so forth.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I...I guess you could point out that there's fifteen thousand auto workers unemployed in the State and we don't have a fund to help them. And I guess you could fund...talk about the steelworkers up on the south side of Chicago who are out of work and filing bankruptcy and we...we don't have a fund...yeah, Senator Carroll has got an amendment. I'll tell you though, my real problem with the bill is that one of these days when we get home I'm going to have to go up to a bunch of farmers and they're going to say, what did you do to help me, and I'm going to say we...we sent a lot of money to the bankers and we've spent a lot of money on lawyers, and you know what's going to happen? They're going to pitch me right out of the Farm Bureau Building.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill is wrong, wrong, wrong, and I'll tell you why. There's a legal referral service in every county by which any farmer who is in badly need of help and doesn't have the funds can avail himself of the services for free. I just think this has gone too far, and I supported it, the...the

subsidy of twenty-five million dollar loan for the farmers. I think this is a bad approach. As long as we have the legal referral service in every county that can help the needs of these distressed farmers, why are we doing this now? I think this is a very, very poor approach and I rise and speak against it. I might tell you, the three people who will decide when the money is going to be doled out is the Attorney General, the State Treasurer and the head of the Department of Agriculture. Since when, since when do we have such subsidies for legal services like that? As Senator Schaffer said, we have loads of...of steelworkers that are broke, they have no jobs, certainly they can...avail themselves of the legal referral service as well, why can't the farmers do the same? I speak against the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR JEROME JOYCE:

Okay. I'm going to respond to that...that is a Federal program, Senator Geo-Karis, and these people are not eligible for it. They're not eligible for it because their equity is too high. Their worth...their farm may be worth five hundred thousand dollars but they're going under. So, consequently, they can't go there, they can't get that...that legal assistance. They are the ones that asked for this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1032 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Yeah. Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 23, 1 voting Present. Senate Bill 1032 having received the constitutional majority is declared passed. Senate Bill 1035, Senator Chew. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1035.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Just...35 and 36 are clean-up bills, Mr. President, to conform with what the authority is on the World's Fair. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Donahue. Any discussion? If not, the question is, shall Senate Bill 1035 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 43, the Nays are 11, 1 voting Present. Senate bill 1035 having received the constitutional majority is declared passed. Senate Bill 1036, Senator Chew...or...Senator Donahue. Senator Donahue.
SENATOR DONAHUE:

Point of privilege. I...was sitting here, punched my button on Senator Joyce's 1032, and I would like the record to show I would have voted Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. Senate Bill 1036, Senator Chew. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1036.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

This is the other part of the bill, Mr. President, and it

*S. B. 1037
3rd Reading*

defines the authority's power and nonpower. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1036 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 13, 3 voting Present. Senate Bill 1036 having received the constitutional majority is declared passed. Senate Bill 1037, Senator Netsch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1037.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This bill, which is jointly sponsored by Senator Etheredge and myself, is really a very important one because when it is finally put together and enacted, which we think it will be by the end of the Session, it's going to be a landmark property tax reform bill. It basically does address the property tax cycle and all of the problems that have been associated with it for taxing districts as well as taxpayers over a long period of time. It does several things. It does provide for the use of the last known equalized assessed valuation in calculating taxes, and this, of course, is going to help enormously in allowing local governments to know the basis on which their property taxes are to be levied and to be able to avoid the need to extend the huge number of tax anticipation warrants that in fact are utilized now and that really are very uneconomic for everyone involved. It is going to provide for uniform

levy...assessment...levy dates on the part of all the units of local government so that we can make this process work. It will authorize not mandate but authorize quarterly payment of taxing bills for those who want to do so and, of course, it does inevitably involve a one-year freeze in the assessed valuation. We recognize that we still have some work to do with respect to that part of it, and I might say that the...that those who have been meeting and working on this bill include a broad spectrum and for the first time ever, really, the school districts and other taxing districts as well as the assessing officials are highly supportive of attempting to get this major reform done, and we are continuing to meet as we have to date and any other problems that need to be worked out ultimately will be worked out. The Taxpayers' Federation has been a major factor in helping to bring this about, and this year the...some of the school groups, as I indicated, including the IEA have expressed strong support. One reason why it is possible is because for the first time in a long time we have not had rapidly increasing assessed valuations and that has made it possible to begin to put this into place. It is extremely important, Senator Etheredge and I have put a good deal of time in and will continue to...to work out some additional problems that might have to be addressed before we complete it. In the meantime, we would strongly urge your support of Senate Bill 1037.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator DeAngelis.

END OF REEL

REEL #10

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR DeANGELIS:

Senator Netsch, does this apply to Cook County?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Are you certain?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yeah, the uniform levy date does not but the...the rest of the bill does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, it if does, I want to rise in support. We should at least get one piece of good property tax reform for...Cook County this Session. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As Senator Netsch has indicated, this is a work in

progress and I...I encourage everyone to vote Aye so that the work can continue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1037 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 59, the Nays are none, none voting Present. Senate Bill 1037 having received the constitutional majority is declared passed. For what reason...Senator O'Daniel arise?

SENATOR O'DANIEL:

Mr. President, I'd like to be recorded as...as voting Present on 1021. I was watching the tally and...and I voted No instead of Present.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. Senate Bill 1039, Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1039.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, this is a very simple bill. It...there has been a dispute over the effective date in this bill and this will change the date.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1039 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 59, the Nays are none, none voting

Present. Senate Bill 1039 having received the constitutional majority is declared passed. Senate Bill 1043, Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1043.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, in the interest in moving the process along, I would ask that this bill be Tabled.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen asked leave of the Body to Table Senate Bill 1043. Is leave granted? Leave is granted. Senate Bill 1043 is Tabled. Senate Bill 1055, Senator Maitland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1055.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. The next two bills, Senate Bill 1055 and 1056, are a product of the Interagency Task Force, a task force that I chaired for a bit over a year. The task force was cochaired by Dorothy O'Neal who's vice-chairman of the State Board of Education. With respect to Senate Bill 1055, it does exactly as the synopsis suggests. It provides that the State Board of Education shall be the State agency responsible for ensuring that educational services are provided to all eligible children. There have been some expres-

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sions of concern during recent years that no single agency in the State really had the ultimate responsibility of education in the State and this bill simply provides for that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1055 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1055 having received the constitutional majority is declared passed. Senate Bill 1056, Senator Maitland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1056.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. This is the second bill in the package and it does, once again, exactly as the synopsis would indicate. It creates a residential service authority for behavior, disturbed and severe emotionally disturbed students and defines their powers and duties. Once again, it is a recommendation of the task force.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1056 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 3, none voting Present. Senate Bill 1056 having received the constitutional amendment is declared passed. Senate Bill 1062, Senator Rupp. Read the bill, Mr. Secretary...nope, 1063, Senator Luft. Read the bill, Mr. Secretary...

tary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1063.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1063 permits the income tax deductions on income earned from bonds, notes or other evidence of indebtedness issued by the State of Illinois, State organized authority or local public entity. Currently, Illinois bonds are exempt from Federal Income Tax but not State Income Tax. Other states, including New York, offer the so-called double exemption in its residents. In Illinois, only bonds issued by the Illinois Housing Development Authority or independent State agency get the double exemptions. We feel that Senate Bill 1063 will provide an added attraction for the purchase of Illinois bonds. I want to make perfectly clear that if, in fact, we have gone too far in providing an exemption on bonds, I have talked to the chairman of the Revenue Committee in the House, I give you my word that if the cost of this becomes too...too...too much that I will narrow it back to only State bonds. If there's any questions, I'll try to answer them; otherwise, I would hope for a favorable...roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. When this bill was discussed a couple a days ago, I made the point that I thought we were going too far when we were attempting to pass a bill which would eliminate State Income Tax on all municipal bonds. It was my understanding at that time that the bill, in fact,

included all bonds. The sponsor has made it very clear that he's only talking about Illinois issued bonds which makes a big difference, and with his statement that he has...also has a concern about the fiscal impact of eliminating income tax on municipal bonds, I'm willing to vote for the bill under those circumstances and I think we should support it and get it out of here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and, Senator Schuneman, welcome aboard. We don't think that the revenue impact will be that great, and balance that off against the benefits and the marketability of our State and local bonds. We think this will be a real plus. I've discussed this with Representative Keane in the House who is knowledgeable on these matters, serving on the Audit Commission, and if, indeed, any numbers come forth from the Department of Revenue or Bureau of the Budget or otherwise, we stand ready to...make any necessary changeament on it; but at this time, I think probably the best decision would be to ship Senate Bill 1063 out. It's a good policy initiative and I'm pleased to join in it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR ETHEREDGE:

Senator, when we...when this bill was amended the other day, we had not estimates...available on the fiscal impact. Do we know any more today than we did then?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

No, I still have the State...statement from the Department of Revenue saying that they cannot determine the cost of it, but I think if you just sit down and figure eight percent interest on a billion dollars, multiply that income by 2.5, you'll find out that a billion dollars would probably cost the State of Illinois two hundred thousand dollars in revenue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

I would...like to believe that...that figure, but...the statement that we have from...on the fiscal impact that it...says, the...at least the only one that I have seen, says that they have not been able to estimate the figure but it might be a very significant amount of money, far more than the...the optimistic figure that...that you just gave. I must rise in opposition...to this bill because it...it, indeed, may have a very significant fiscal impact, even...in spite of the fact that we may not, at this time, be able to put a number on it, I think it...it could very well be considerable. I would suggest that the bill would make a great deal more sense if we would...were to exempt our own bonds, the State bonds, from the State tax. That might mean that we would, indeed, save a little money. We might be able to put the mallet at a more attractive interest rate, but to forego the tax on all other bonds issued by other elements of the...of the government, I think is...is...goes much too far, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR RIGNEY:

Don't we see the pattern at the Federal level that they are really ending this practice and, now, here we're coming around and putting it into Illinois State law?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

...well, if, in fact, the Federal Government is ending the practice, which I'm not sure they are or not, but I would think that our actions here would even make our bonds more attractive and would...we would...we would need something like this. I want to point out that we're...we are already doing this in the State of Illinois with all the IHDA bonds. IHDA's got about two billion dollars in bond authorization, if I'm correct, and we're already doing that. My figures tell me that we...if we sold another one billion, it would only cost us two hundred thousand dollars. We're just trying to make these bonds a little more attractive in the industry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I agree essentially with the points that Senator Etheredge has made and would add only one additional that...I don't think it has really been demonstrated that with the relatively low income tax rate we have in Illinois, the exemption of the interest on the bonds from State Income Tax is going to "save the State that much money" on the interest costs. I'm not sure that it really is that major a factor. At the Federal level, it clearly does have an impact, but I have never seen any evidence, at least, that it's going to have that major an impact at the State level. So, it seems to me that what we are doing is, perhaps, putting ourselves in the position of excluding a good deal of

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income from the State revenue base but to no particular purpose. I also would urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR LUFT:

Once again I will state, Mr. President and Ladies and Gentlemen of the Senate. I stated it once; Senator Bloom, I think, echoed what I tried to say that if this bill does go too far, we plan on narrowing it once it gets to the House, and we will bring it back and deal only with State bonds. And, Senator Netsch, if you feel the way you do in Revenue Committee, when Build Illinois comes over, I will help you with an amendment that takes away that exemption that already exists on the IHDA bonds. All I'm trying to do is to put us into some degree of a conformity, and maybe it's not much, but try to offer some small incentive to make the State of Illinois bonds sell a little better and a little quicker. I would appreciate an Aye vote. Thank you, very much.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1063 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 41, the Nays are 17, none voting Present. Senate Bill 1063 having received the constitutional majority is declared passed. Senate Bill 1068, Senator Lechowicz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1068.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill will be verified, so I would hope that everybody would be here and everybody that I talked to would vote for the bill like they told me they would. Basically, 1068 authorizes a court to allow punitive damages when it appears that an insurance company has been unreasonable and vexatious in refusing to pay a claim. And, Mr. President and members of the Senate, I don't believe that any insurance company could have any justification as to be opposed to this bill if they would pay their claims in a reasonable manner when there is a person or persons who have a legitimate claim against the insurance company. May 15th there appeared at the...in the State Journal-Register an article which I didn't realize was going to be there when I introduced this bill, but let me just point out to you, and it was a rather extensive article where...where it pointed out that in other states they have what they call insurance bad faith legislation and it covered the terms covered in instances where insurers have knowingly and deliberately failed to make good on valid claims. Unfortunately, that's the case of many other companies when a person has a valid claim, they get the runaround, and although there are a few Statutes governing insurance bad faith, enough cases have been litigated over the last decade, so that leaves twenty-five states now have a clear precedent for the jury to award punitive damages when the insurance companies conscientiously try to take advantage of a policyholder. While the western States were the first to establish such case law, the trend is moving eastward. It also states that this gentleman who has brought this to the attention of the nation, his office is inundated with twenty or thirty letters per day expressing problems throughout the country in this area. Some of them are really terrible stories where the family is destroyed by a huge medical bill and they don't know where to turn for help, and in my own

situation in my own area, how I got this bill into fruition, two business people had a legitimate...complaint against two different insurance companies, and what really transpired was horrendous. One company was faced with the legal expense of over a hundred and fifty thousand dollars which they paid to Jenner and Block on a monthly basis, because anybody who has any knowledge about that realizes that that's the way your large corporate attorneys operate. They'll take the case under consignment but you have to pay it on an ongoing basis. What happened, one company went out of business forcing twenty-four people out of work and, yes, the insurance companies tried to pay them ten cents on a dollar. The other company had fourteen employees. Their legal expenses weren't as great, but, unfortunately, the same situation transpired when they...were forced out of business and these people were placed out of work. If an insurance company takes a...a man or a woman's rate, takes their money in good faith, when a claim comes about, they should also come about and make sure that the paper work is proper, make sure that it is a...a valid and legitimate complaint and pay that claim. If that happens, no one is affected by 1068. Only when the insured party is grieved, unnecessary delays, the runarounds, then that party can now ask for punitive damages and have it awarded by a judge. That's 1068. I think it merits your support and I'll be more than happy to answer any questions at this time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If...no discussion? Oh, Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I must rise to...not question the reason behind this bill, I don't think that...is the normal practice of regular insurance companies to delay any payments. We can find examples, we can find companies that

pay ninety-nine percent of their claims within a certain number of days, we could go through all that whole thing. The item that...and a part of this that we are questioning is the fact that it's necessary to have an unlimited, no cap, no top on the punitive damages that are possible. That seems a little ironic that on another bill that we're going to be discussing, we're going to be asked to change from an unlimited punitive damage arrangement to a limited one...or a limited...eliminating it altogether. I think that's what one of the...that's the main point. It's not the fact that we don't think that companies should pay, and most of them do, but it's the fact that there's an unlimited...uncapped punitive damage type thing. We have examples too. I can give you one that's just as bad, only in this case a policyholder in California filed a false claim, a false claim, and after an investigation, the court threw out the charges because they found that the claim was false, but then...the fined insurance company...they would also fine the insurance company a million dollars for being unreasonable and vexatious. Those are the situations that I think we would avoid by putting a cap on and that's our objections to this particular bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I find it interesting to listen to this a little bit, because what seems to me to be an issue is when a person has a catastrophic loss, a fire, their home, and they don't have the money to go repair it and an insurance company, for no good reason, when it comes to trial, no good reason, withholds any payments to this guy or lady and says, let the building deteriorate further, in effect, we're not going to help you repair it now, we're not going to do anything to let you get back into your home, to go buy some clothes, to get

some food or some appliances and does so for no reason as determined by our judicial system. Why should that company not be penalized for having impacted our constituents in such a devastating way in a devastating situation? Many states are, obviously, much brighter than ours, for they have already said, when you can show no good reason whatsoever that the actions of the insurance company were punitive, all they were doing is holding out and letting this person rebuild their home, for no good reason, then they should suffer as well. I think it's a good bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

I'll be very brief, Mr. President...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...well,...wait...wait...I'm sorry. Senator Carroll, you...you had finished. All right, there are two additional speakers, Senator Lechowicz. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill is an attempt by the Trial Lawyers of Illinois to remove the cap on punitive damages against insurance companies. Now, to the extent that you do that, you're going to be raising insurance premiums a certain amount. No one can tell you how much, but what they're seeking to have adopted here is the...is a plan similar to that that's been in effect in California for a number of years, and in checking with one of the...our Illinois companies, Allstate, for example, they tell me that Illinois...in Illinois only ten or twelve...or ten to fifteen percent of all the claims that are filed here in Illinois ask for punitive damages. In...in California, where they have no limit at all, a hundred percent of the claims that are filed ask for punitive damages. That's the sort of thing that we will see happening here in Illinois if we adopt this bill.

Couple of other points I want to make; one is that...that this General Assembly has been struggling with the issue of trying to control medical costs, and one of the things that's happened in the last day or so is the adoption of an agreed bill between the medical society and the trial lawyers and we are doing that in an effort to control medical costs. On the other hand, we're considering a bill like this which will have just the opposite effect. It will tend to raise the cost of medical insurance in this State. One other thing that I think is very interesting and that is that...although the trial lawyers want this bill, and they want Illinois courts to allow unlimited punitive damages against insurance companies, they have a different standard for themselves, because in the agreement that was reached yesterday with the doctors, the lawyers got something for themselves. They got themselves eliminated for any punitive damages. Now, that's a part of the agreement that was adopted yesterday and was agreed to by the trial lawyers. So, that if we adopt that...that proposal, and I'm going to vote for it, you'll find that the...the doctors are going to give up some of the things they wanted, but the trial lawyers got something they want very bad and that is that you can no longer sue them for punitive damages. So, if you have a claim against another person and you ask the attorney to sue on your behalf and he goofs up and doesn't get the suit filed and as a result of that you lose out entirely, you can't sue the lawyer for punitive damages anymore. I think it's a double standard, and I think on the basis of that alone we ought to defeat this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Darrow.

SENATOR DARROW:

I really didn't intend to speak on this bill until...or Senator Schuneman spoke about the trial lawyers. I haven't

been approached by any trial lawyer, I haven't been approached by the Bar Association, the Illinois Trial Lawyers or anyone else, and I was kind of on the fence about this, but now I'm going to support the legislation of Senator Lechowicz. I want to point out to this Chamber that Senate Bill 1200, the amendment of which we have, really sticks it to the Bar Association and to the lawyers if you read that carefully, and the Illinois Trial Lawyers are not accepting this and they are not part of the compromise. A number of us will nonetheless support Senate Bill 1200. Perhaps we ought to consider this, if this is important to the trial lawyers, perhaps we should give them Senate Bill 1068 so we can go back and say, well, at least we did some little gesture for you because we sure aren't helping you with Senate Bill 1200. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, thank you, Mr. President. Let me point out for the Body because this...bill appears to have invented the wheel. Let me point out that this bill actually amends some things that the insurance company has to pay already if they, in fact, cause unreasonable delay. What this does is considerably raises the ante. So, there was an inducement for the insurance company previously to settle because if they didn't, there would be some additional costs to that settlement. So, we're not adding anything in, we're just...just increasing the ante; but let me point out to you, it is not the insurance company that's paying, it is all the people who buy their policies and for a simple as the insurance company paying for it, we could probably vote for it and not feel too bad. But you know what? The bell pole tolls for thee, folks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Hearing...all right, Senator

Lechowicz may close.

SENATOR LECHOWICZ:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate, and I do appreciate the time you've given this measure. Let me just respond to some of the points that were brought up in opposition to Senate Bill 1068, and I understand that there's been a very intense lobbying effort by the insurance industry to make sure that this bill would not pass, but I can't see any justification as to how a company who was acting in good faith with their insurers can be actually fearful of this modification in the law. And to answer Senator Schuneman, the trial lawyers did...never talked to me on this matter. I am not an attorney nor am I representing any trial lawyers in this matter. I am representing people who, unfortunately, were forced out of business in the process of trying to get their claim settled, that's the fact; and, unfortunately, the present law has a five thousand dollar cap, and when I called Phil O'Connor who was at that time the director of insurance to ask him to intercede in these companies out-of-state who were the policyholders for these people, he told me he couldn't do a thing about it. He told me that the five thousand dollar cap really doesn't do anything because of the fact that it costs more in attorneys' fees in order to get settled. I said, that isn't fair, that isn't fair at all, and you and I know what the bottom line of this thing is; if you kick somebody around for three and half to four years and are keeping that money and keeping it working, you're making a dollar on that, and if you have a company policy where you're going to go to court on every case, and you've got a...a number of attorneys working for you that specializes in that field, you're going to wear the poor consumer right down to the grave. This is a consumer bill. This is a good insurance company bill. If you pay your just claims, you're not affected by this bill one iota, and

that's why this bill deserves your vote and support and I'd appreciate it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1068 pass. Those in favor...Senator DeAngelis, the gentleman was closing. Question is, shall Senate Bill 1068 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 28, none voting Present. Senate Bill...Senator Lechowicz...Senate...

SENATOR LECHOWICZ:

Postponed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor requests postponed consideration. All right, Senate...all right, on that...on that it was 29...28 Nays...none voting Present. Senate Bill 1068 having failed to receive the constitutional majority is declared lost. Senate...sponsor requests postponed consideration. 1070, Senator Barkhausen. I understand you have a motion. Senator Barkhausen.

SENATOR BARKHAUSEN:

I would ask that Senate Bill 1070 be Tabled.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen moves to Table Senate Bill 1070. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Senate Bill 1070 is Tabled. 1072, Senator Barkhausen.

SENATOR BARKHAUSEN:

...same for 1072.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen moves to Table...Senate Bill 1072. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Senate Bill 1072 is Tabled. Senator Rock, for what

purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. In an effort to wind up our business for this evening, I suggest now that's a logical place to stop and that we would move to the Order of Senate Bills 2nd Reading for the last...go around on 2nd reading and if, indeed, the membership has the time and the patience, we could perhaps prevail on the appropriations people to do the recalls.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, with leave of the Body, we will go to the Order of Senate Bills 2nd Reading, page 2. If any member has a bill on the Order of 2nd Reading and wishes to have it moved, tonight is the night. Senator...Senate Bill 15, Senator D'Arco. 369, Senator Jerome Joyce. (Machine cut-off)...Senator Joyce...380, Senator Kustra. 81...381. 389, Senator Rock. 722, Senator Berman. 752, Senator Kustra. 794, Senator Etheredge. 848, Senator Dudycz. On the Order of Senate Bills 2nd Reading is Senate Bill 848. Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 848.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Executive offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Mr. President and Ladies and Gentlemen of the Senate, I move to Table Committee Amendment No. 1. All provisions of the amendment will be included in Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz moves to Table Committee Amendment No. 1. Those in favor signify by saying Aye. Opposed Nay. The Ayes

have it. Committee Amendment No. 1 is Tabled. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 2 offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Mr. President, Amendment No. 2 incorporates the committee amendment into the bill and makes other changes to make clear that the state's attorney as well as Attorney General may enforce the Act. It makes clear the suits against the State are heard in the Court of Claims and deletes specific references to taxpayers' suits and injunctive relief. Senator Sangmeister is aware of this amendment and has a copy of it and he's also agreed to all the provisions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate...

SENATOR DUDY CZ:

I move the a...approval of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Dudycz moves the adoption of Amendment No. 2 to Senate Bill 848. If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Amendment No. 3, by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Amendment No. 3 deletes Section 11 and...replaces it with

the requirement that a criminal justice agents notify an employee when his employer requests criminal history information. Senator Sangmeister also is aware and approves of this amendment. I move the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any discussion? If not, Senator Dudycz moves the adoption of Amendment No. 3 to Senate Bill 848. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

3rd reading: Senator Joyce wishes to call Senate Bill 368. On the Order of Senate Bills 2nd Reading is Senate Bill 368. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 368.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Agriculture offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. The...the amendment changes the name of the Illinois Commerce Commission to the Illinois Public Utilities Commission and I'd ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Any discussion? If not, Senator Joyce moves the adoption of Committee Amendment No. 1 to Senate Bill 368. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY:

No further committee amendments.

SB 1200
2nd Reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 987, Senator Joyce. Senator Joyce, 987?
1031, Senator Friedland. On the Order of Senate Bills 2nd
Reading is Senate Bill 1031, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1031.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Judiciary I offers
one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Friedland.

SENATOR FRIEDLAND:

...thank you, Mr. President. The...the one committee
amendment adds language inadvertently left out by the Refer-
ence Bureau, and I urge your adoption and would thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Friedland has moved the adoption
of Committee Amendment No. 1 to Senate Bill 1031. Those...if
not, those in favor signify by saying Aye. Opposed Nay. The
Ayes have it. Committee Amendment No. 1 is adopted. Further
committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1161, Senator Welch. 1200, Senator Rock.
On the Order of Senate Bills 2nd Reading is Senate Bill 1200,

SB 1200
2nd Reading

Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1200.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by...Amendment No. 1 offered by Senators Rock, Philip and DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, ladies and gentlemen, could we have some order, please. Can we break up the conferences. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 consists of twenty-nine pages and roughly makes twelve specific and very substantive changes with respect to the subject of medical malpractice. I have distributed, along with Senator Philip, a copy of a memorandum outlining the...and highlighting the provisions of Senate Amendment No. 1. It incorporates that agreement that was reached after some lengthy negotiations with the Speaker and the House Minority Leader. I would urge your favorable adoption and be prepared to debate the bill, because the amendment now becomes the bill, be prepared to debate the bill on the Order of 3rd Reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Rock has moved the adoption of Amendment No. 1 to Senate Bill 1200. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

AB 1358
2nd Reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1222, Senator Jones. 1358, Senator D'Arco.
On the Order of Senate Bills 2nd Reading is Senate Bill 1358,
Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1358.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. It is my impression that everybody is on board now and we're all in agreement that this amendment should be put on the bill and it should be adopted. So, I don't think there's any opposition anymore and I would move to adopt Amendment No. 1 to Senate Bill 1358.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? Senator D'Arco has moved the adoption of Amendment No. 1 to Senate Bill 1358. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1360, Senator D'Arco. On the Order of Senate Bills 3rd...2nd Reading is Senate Bill 1360, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1360.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Can we get some Pages down here to pass out the...some material. Senator D'Arco.

SENATOR D'ARCO:

...there's no amendments.

SECRETARY:

No...no committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1399, Senator D'Arco. On the Order of Senate Bills 2nd Reading is Senate Bill 1399, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1399.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1426, Senator Zito. On the Order of Senate Bills 2nd Reading is Senate Bill 1426, Mr. Secretary, read the bill.

SECRETARY:

Senate Bill 1426.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Does any other member have a bill on the Order of Senate Bills 2nd Reading? We are about to leave this order of business. Senator Etheredge. All right. With leave of the Body, we'll go to the Order of Recalls. There is currently being distributed by the Pages a recall list. We'll begin at the top, the appropriations bills and I think there are two substantive bills at the bottom. With leave of the Body, we'll go to the Order of Recalls. Leave granted? Leave is granted. On the Order of the Recall List, Senate Bill 173. Senator Schaffer seeks leave of the Body to return Senate Bill 173 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 173, Mr. Secretary.

SECRETARY:

Amendment No. 9 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a supplemental appropriation. This is for the newly created historic preservation district...division of the State Library. It is...we have basically had them transfer most of their needs but they are still ten thousand short. I would move adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll has moved the adoption of Amendment No. 9 to Senate Bill 173. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 9 is...adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 383, Senator Poshard seeks leave of the Body to return Senate Bill 383 to the Order of...2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 383, Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 2 offered by Senator Carroll and Poshard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This would change the bill to a reappropriation. We have already passed the appropriation and the supplemental. This would reappropriate it for FY '86. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll has moved the adoption of Amendment No. 2 to Senate Bill 383. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 463. Senator Weaver seeks leave of...Senator Weaver, 463, seeks leave of the Body to return Senate Bill 463 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 463, Mr. Secretary, read the...

SECRETARY:

Amendment No. 2 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the result of Doctor Bob for three additional positions that were added since the budget was submitted and to take care of some cuts we had made in Telecommunications, et cetera. They were a little bit too deep. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll has moved the adoption of Amendment No. 2 to Senate Bill 463. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 464, Senator Watson. 467, Senator Donahue. Senator Donahue seeks leave of the Body to return Senate Bill 467 to the Order of...2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 467, Mr. Secretary.

SECRETARY:

Amendment No. 7 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We had in...in our prior amendment taken out some money for some agency offices that are out in the field. We're not sure what the Federal Government will do. They have been funding them in the past. There is a consideration that they may have to be funded with State dollars in the future

based on the discussions happening with the budget in Congress. This amendment would add back a million two of the three two they had originally requested to make sure that those existing offices could stay open. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll moves the adoption of Amendment No. 7 to Senate Bill 467. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 7 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 470, Senator Dudycz. Senator Dudycz seeks leave of the Body to return Senate Bill 470 to the Order of Senate...2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 470, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a no dollar change amendment, just to readjust the numbers within Amendment No. 1 to meet with the fire marshal needs. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll has moved the adoption of Amendment No. 2 to Senate Bill 470. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 472, Senator Coffey. Senator Coffey seeks leave of the Body to return Senate Bill 472 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 472, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. Amendment No. 3 would add three hundred thousand dollars from the Road Fund for the preparation of plans for widening Illinois Route 13 from Murphysboro to Belleville. I'd ask your passage of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn moves the adoption of Amendment No. 3 to Senate Bill 472. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

Amendment No. 4 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is...Amendment No. 4 is for a needed ambulance in the western part...wrong one? Oh, I'm sorry, this is...Amendment No. 4 is the technical one. It's the change in the DOT breakout. We had done it initially just to require them to do it to the districts so we'd know how much they were spending in each district. They have provided us now with the figures of how they would like to have that

money spent. This is the DOT numbers to rebreak out the Road Fund into the districts. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll has moved the adoption of Amendment No. 4 to Senate Bill 472. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY:

Amendment No. 5, by Senator Carroll and Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Now I'm with you. Thank you. This is for the City of Palos Hills to...for transportation to the elderly and handicapped and for Summit for an ambulance. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senate...Senator Karpziel.

SENATOR KARPIEL:

How much is this ambulance and all that...or whatever you said it was for?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Ninety-seven thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll has moved the adoption of Amendment No. 5 to Senate Bill 472. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY:

Amendment No. 6 offered by Senator Carroll and Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you. This is five hundred thousand for 23rd Street in LaSalle from Route 351 to Route 39. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll moves the adoption of Amendment No. 5 to Senate Bill 472. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY:

Amendment No. 7, by Senator Carroll and O'Daniel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is for...for County Highway 21 from Route 50 to the Lawrenceville Airport in Lawrence County for DOT to construct the widening and resurfacing to the tune of a million dollars that they had needed to...create some industry towards that airport. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll has moved the adoption of Amendment No. 5 to Senate Bill 472. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY:

No, No. 7.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry, Amendment No. 7 is adopted.

SECRETARY:

Amendment No. 8 offered by Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is for the removal of chemicals and debris from the Little Calumet River between Burnham Avenue and the mouth of the Thorn Creek tributary in Cook County, nine hundred and fifty thousand. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll has moved the adoption of Amendment No. 8 to Senate Bill 472. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 8 is adopted. Further amendments?

SECRETARY:

Amendment No. 9 offered by Senators Carroll and Vadalabene.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is for construction of connector highway from Route 159 to Route 157 near Edwardsville in Madison County. Cannot be called the Vadalabene Road 'cause there already is one. It's for four and a half million. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Carroll has moved the adoption of Amendment No. 9 to Senate Bill 472. Those in favor signify by saying Aye. Opposed Nay. The...Ayes have it. Amendment No. 9 is adopted. Further amendments?

SECRETARY:

Amendment No. 10 offered by Senator Carroll and Sangmeister.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

This is in the Town of Mokena from Interstate 80 to Route

30 for improvements of Wolf Road, and I would move its adoption, a million two-fifty.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Carroll has moved the...any discussion? Senator Carroll has moved the adoption of Amendment No. 10 to Senate Bill 472. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 10 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. With leave of the Body, Senator Watson indicates he is ready to go on 464. Is that correct, Senator Watson? Senator Watson seeks leave of the Body to return Senate Bill 464 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 464, Mr. Secretary. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

On 464, first, we must, because it technically incorrect, having voted on the prevailing side, move to Table Amendment No. 4 and then it is being partially replaced in Amendment No. 5, but Amendment No. 4 is technically incorrect. Then, having voted on the prevailing side, I would move that that...by the vote by which that was taken be reconsidered for purposes of Tabling the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. All right, Senator...Senator Carroll, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 4 was adopted. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd just like to ask the sponsor, where is it technically incorrect?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

It was drafted in contemplation of an amendment that was not offered having been offered, the Luft amendment, and your drafting was then done as if that amendment had been adopted so that the numbers no longer track the bill as it now sits in Enrolling and Engrossing and therefore has no efficacy, unfortunately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Okay. So, I see then in the next amendment just takes care of that technicality.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll...having voted...Senator Carroll.

SENATOR CARROLL:

Not to mislead you, no, it does not. This is the request for six new jobs. We had suggested that they start off with three which it also does, and that's why I said it was...I said initially, it was only partially corrected in the Floor amendment, but it...it right now, the offer of six that you made is technically incorrect so they have zero; so, in effect, it's three more than they had with the way the bill was when it was on 3rd reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Carroll having moved...having voted on the prevailing side moves to reconsider the vote by which Amendment No. 4 was adopted. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Carroll now moves to Table Amendment No. 4 to Senate Bill 464. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is Tabled. Further amendments?

SECRETARY:

Amendment No. 5 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

This would add three investigators for that...defective detective section, and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll moves...moves the adoption of Amendment No. 5 to Senate Bill 464. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 507, Senator Lemke. On the Order of Senate Bills...on the recall list is Senate Bill 507. Senator Lemke seeks leave of the Body to return Senate Bill 507 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 507, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Just to note, will you show the sponsorship...not that this will be a fun bill for Senator Zito...Zito-Lemke on 507. What this does now...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, with leave of the...Senator Lemke requests to add Senator Zito as a hyphenated...all right...Senator Lemke seeks leave of the Body to have the sponsorship of 507 read Zito-Lemke. Is leave granted? Leave is granted. Senator Lemke.

SENATOR LEMKE:

What this amendment does is strips everything in the bill after the enacting clause and sets up a fund to...to fund Senate Bill 172 which passed out of here on the Agreed Bill List. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke moves the adoption of Amendment No. 1 to Senate Bill 507. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1460, Senator Collins. Senator Collins seeks leave of the Body to return Senate Bill 1460 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1460, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr...at first, I move to Table Committee Amendment No...No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins, I'm sorry.

SENATOR COLLINS:

Was there a committee amendment? Wasn't there a committee...oh, okay, then...it's...it amends No. 1. It is two million dollars for demonstration project for vocational enterprise centers to the Junior...Community College Board. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...is there any discussion? Senator Collins has moved the adoption of Amendment No. 2 to Senate Bill 1460. Any discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Could you explain the amendment, Senator Collins? I...I didn't...there's a lot of noise on the Floor and I didn't hear what was going on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you. Senator Weaver, this is...this is two million dollars for demonstration projects...two demonstration projects for the...to the Junior College Boards for the promotion of entrepreneurship. It's the vocational enterprise centers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver. Further discussion? Senator Collins has moved the adoption of Amendment No. 2 to Senate Bill 1460. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 989, Senator Kelly...is that all? Senate Bill 199, Senator Newhouse. First of all, let me make an announcement to the membership that there are three additional bills that were added to the recall list, Senate Bills 199, 200 and 1421. Senate Bill 199. Senator Newhouse seeks leave of the Body to return Senate Bill 199 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 199, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. 199, 200 and 1421 are the apprenticeship training bills. We find that there are some technical defects and these amendments are to clean them up. So, I would ask for adoption of Amendment No. 2 to Senate Bill 199.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Newhouse has moved the adoption of Amendment No. 2 to Senate Bill 199. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 200. Senator Newhouse seeks leave of the Body to return Senate Bill 200 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 200, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

The same thing. This is a clean-up amendment. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Newhouse has moved the adoption of Amendment No. 2 to Senate Bill 200. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

*SB 1200
Recalled*

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate...Senate Bill 1421. Senator Newhouse seeks leave of the Body to return Senate Bill 1421 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1421, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

This is the last of the series. This is a clean-up amendment. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse moves the adoption of Amendment No. 1 to Senate Bill 1421. Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senator Rock seeks leave of the Body to...to return Senate Bill 1200 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1200, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson. Senator Davidson on the Floor? Senator Davidson on the Floor? Senator Davidson is out in the Rotunda. Senator Weaver seeks leave of the Body to handle the amendment for Senator Davidson. Is leave granted? Leave

is granted. On the Order...Mr. Secretary. Senator Weaver.

SENATOR WEAVER:

Well, this is a technical amendment. Both sides agree on it and I'd move we go ahead and add this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, Senator Weaver has moved the adoption of Amendment No. 2 to Senate Bill 1200. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senator Rock, for what purpose do you...arise?

SENATOR ROCK:

If there is no further business or if no member requests any further order of business, we'd just clean up the paper and I urge everyone to be here at nine o'clock tomorrow morning. We'll adjourn until nine o'clock tomorrow morning. We will begin where we left off on the Calendar and just keep on going. Hopefully, by midafternoon we can be on our way home.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, with leave of the Body, we'll go to the Order of Resolutions. Is leave granted? Leave is granted. On the Order of Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 260 offered by Senator Karpriel. It's congratulatory.

Senate Resolution 261, by Senator Topinka, Dudycz and others. It's commendatory.

Senate Resolution 262, by same sponsors, and it's commendatory.

Senate Resolution 263, by Senator Jeremiah Joyce and Lemke, and it's a death resolution.

Senate Joint Resolution 62, by Senator Topinka. It's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

SECRETARY:

And Senate Resolution 264, by Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive. Senator Rock...any further business to come before the Senate? Senator Rock moves that the Senate stand adjourned until nine o'clock tomorrow morning, May 24th, Friday. Senate stands adjourned until tomorrow morning, nine o'clock.