

84TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 25, 1985

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour of nine o'clock having arrived, the Senate will come to order. Members will be at their desks. All unauthorized individuals will please vacate the Floor. Our guests in the galleries will please rise. Our prayer this morning by the Reverend Charles Kyle, St. Francis Xavier Church, Chicago. Father Kyle.

REVEREND KYLE:

(Prayer given by Reverend Kyle)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Reading of the Journal.

SECRETARY:

Wednesday, June the 30th; Thursday, June...June the 12th; Thursday, June the 13th and Friday, June the 14th, in the year 1985.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion by...placed by Senator Hall. Is there any objections? Hearing none, so ordered. Senator Hall.

SENATOR HALL:

Mr. President, I move that reading and approval of the Journals of Tuesday, June 18th; Wednesday, June 19th; Thursday, June the 20th, Friday, June the 21st and Monday, June the 24th, in the year 1985, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion by Senator Hall. Any objections? Hearing none, so ordered. 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 concurred with the Senate in the passage of a bill with the following title, to-wit:

Senate Bill 300 together with House Amendment No. 4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Resolutions.

SECRETARY:

Senate Resolution 396 offered by Senator Lemke, it's congratulatory.

Senate Resolution 397, by Senator Watson, it's congratulatory.

Senate Resolution 398, by Senator Luft and it's a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

SECRETARY:

Senate Resolution 399 offered by Senators Jeremiah Joyce, Degan, Zito, Savickas, Lemke and Nedza.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive...we will begin with the Order of Recalls. I am told that there are nine...at least nine on the recall list. First out of the chute would be...Senators Kustra, Jeremiah Joyce...all right. On the Order of Recalls...374. Senator Jeremiah Joyce seeks leave of the Body to return House Bill 374 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 374, Mr. Secretary. Whoop...Senator Joyce, for what purpose do you arise?

SENATOR JEREMIAH JOYCE:

Mr. President, I ask leave of the Body to set this aside

for the moment. I'm awaiting the arrival of an amendment from the Reference Bureau on House Bill 374 and ask leave to go back to it when I get...see the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce has sought leave to go back to it. Take it out of the record. What about 398? All right. On the Order of House Bills Recalls is...is House Bill 398. Senator Joyce seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 398, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Amendment No. 3 to House Bill 398 is the State mandate's provision. I've talked to Senator Schuneman in regard to this, there's no...opposition to it and I move its adoption at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce has moved the adoption of Amendment No. 3 to House Bill 398. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 514, Senator Kustra. Senator Kustra on the floor? (Machine cutoff)...Smith, for what purpose do you arise?

SENATOR SMITH:

Thank you, Mr. President. I beg...leave of the Senate to

*MB 888  
Recalled*

be placed as a hyphenated sponsor with the approval of the sponsor to Senate Bill 944, as a hyphenated sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

House bill?

SENATOR SMITH:

No, it's a Senate bill that went over to the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate bill what?

SENATOR SMITH:

Senate Bill 944.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith seeks leave of the Body to be added as a hyphenated cosponsor to Senate Bill 944. Is leave granted? Leave is granted. Senator Berman has sought leave to be added as hyphenated cosponsor of House Bills 574, 83...House Bill 83, House Bill 816. Is leave granted? Leave is granted. So ordered. Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. I have permission of the sponsor and with leave of the Body, I'd like to be added as a hyphenated cosponsor on Senate Bill 807, 832, 1270 and 2217.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion. Senator Poshard seeks leave of the Body. Is leave granted? Leave is granted. So ordered. 514, Senator Kustra on the Floor? 888, Senator Rock. On the Order of House Bills Recalls, Senator Rock seeks leave of the Body to return House Bill 888 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading is House Bill 899, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you. I'll yield to Senator Berman who's had the amendment prepared.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This amendment deals with the Environmental Barriers Act, and there was questions raised by...the...cities and the agencies involved in the enforcement of this and this represents the agreement that has been struck between those parties. I move...I've not had a chance to see the analysis but I would move adoption of Amendment No...2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman has moved the adoption of Amendment No. 2 to House Bill 888. Is there 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. Senator Kustra, 514. All right. 922, Senator Holmberg. 1027, Senator Welch. 1159, Senator Joyce. On the Order of...Senator Joyce has sought leave to bring...Senator Joyce seeks leave of the Body to return House Bill 1159 to the Order of 2nd Reading for the purpose of Tabling an amendment. Is leave granted? Leave is granted. House bills 2nd reading is House Bill 1159, Mr. Secretary. Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Yes, I'd like to Table Amendment No. 2. That was one that the mobile home people put on that was supposed to be dealing with changing the name, and I found out that it may be doing several more things than that

and we didn't want to do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 2 was adopted. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Joyce now moves to Table Amendment No. 2 to...to House Bill 1159. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is Tabled. Senator Joyce. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 3rd reading. Senator Marovitz on the Floor? 2400, Senator Savickas. Senator Savickas seeks leave of the Body to return House Bill 2400 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading is House Bill 2400, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 2400 in its amended form is an addition to the Motor Vehicle Franchise Act. It adds a new section to the Act more clearly defining what a motorcycle is and adds provisions that are unique to the motorcycle industry. These are regarding financing, ownership by a dealer of the franchise and repurchase of parts when a franchise is terminated. This amendment was put together and agreed upon by both the motorcycle dealers, the Motorcycle Industrial Council and the manufacturers...the out-of-state manufacturers that precipitated the

motorcycle dealers to introduce this legislation. DCCA has agreed to it and I am sure there is no opposition at this time. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 2400. Is there any discussion? Senator Kustra.

SENATOR KUSTRA:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Kustra.

SENATOR KUSTRA:

Does this have anything to do with lawyers and legislators, Senator Savickas?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, it allows them to ride a three-wheel vehicle to take their bar exam.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 2400. Any further 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. 2834...wait a minute...2434, Senator Maitland. All right...Senator Maitland seeks leave of the Body to return House Bill 2434 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 2434, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

All right, thank you, Mr. President. What this amendment does is require the Department of Mental Health and Developmental Disabilities to convey the Galesburg Mental Health Center property to the City of Galesburg and requires the...Department of Mental Health also to convey certain portions of the Manteno Mental Health Center property to a not-for-profit corporation, the Manteno Mental Health Center Redevelopment Council. These two centers are no longer in operation and the conveyance of Manteno excludes the portion of the property to use for the Department of Veterans' Affairs for their new veterans' home. This...we've been working on this for...for a long time now and...and we think that with these two pieces of property the State would like to get rid of them and we have people in the communities that...are anxious to try and...and bring some other industry in that area.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce has moved the adoption of Amendment No. 3 to House Bill 2434. Any discussion? Senator Bloom.

SENATOR BLOOM:

Yes, to say I rise in support of it, and to say that although this bill is...its genesis is of...the Department of Transportation, we need to put this amendment on, it affects both Kankakee and Galesburg, in order to get the discussion process going. We have commitments from the administration to the various plans that our respective communities have offered. Well, that's enough to say, I should think, let's put it on. There's no problem...the Secretary of Transporta-

tion when he comes to my office for his daily sandwich will approve it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Are you finished?...Senator Joyce has moved the adoption of Amendment No. 3 to House Bill 2434. 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 DEMUZIO)

3rd reading. All right, we'll stop...start at the top of the list again. House Bill 146. Senator Kustra seeks leave of the Body to return House Bill 146 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 146, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Kustra.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Excuse me, Mr. Secretary, could you read the LRB number on that?

SECRETARY:

LRB9400920CMTCAM01.

SENATOR KUSTRA:

I'm aware of the amendment but it's not my amendment. I don't even want the amendment but if they want to add it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

It has your name on it.

SENATOR KUSTRA:

As I understand it, it's the chairman of the Elections Committee, Mr. Kelly, who wants this amendment and I would suggest...I'll leave it in my name, but he's going to have to

tell us why he wants it. I don't think this amendment is even necessary. Senator Kelly, you want to explain that to all of us?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly. On...House Bill 146, Amendment 2. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. Yes, there is not a space for a social security number and...and that's where...and this would solve that problem, that's why the amendment is...being sponsored...to allow for a space for a social security number...on the voter's application.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Kelly has moved the adoption of Amendment No. 2...I...Senator Kelly, is this your amendment? All right. It's in...it's in Senator Kelly's name. Senator Kelly has moved the adoption of Amendment No. 2 to House Bill 146. 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. All right. 514, Senator Kustra. All right, Senator...on the Orders of Recalls is House Bill 514. Senator Kustra seeks leave of the Body to return that to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, 514, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Kustra.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

*HB 2188  
Recalled  
HB 922  
Recalled*

Thank you, Mr. President. This is the long awaited agreed language on the special education funding bill and I would urge...adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Kustra has moved the adoption of Amendment No. 1 to House Bill 514. 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. 922. Senator Holmberg seeks leave of the Body to return House Bill 922 to the Order of 2nd Reading for the...for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 922, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Holmberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

This is an amendment to the bill that allows the electorate to elect a county executive. This...amendment merely gives a job description of that county executive, and I would advocate its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Holmberg...has moved the adoption of Amendment No. 1 to House Bill 922. 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. 2188, Senator Marovitz. All right. Sena-

tor Marovitz seeks leave of the Body to return House Bill 2188 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, 2188, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by...yeah...yeah.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Mr. Secretary, which amendment are we dealing with? I know, I want to know the number.

SECRETARY:

If what is right here...

SENATOR MAROVITZ:

This deals with teachers over seventy years of age.

SECRETARY:

There's only one amendment on it.

SENATOR MAROVITZ:

Is that the amendment...can you check the substance of that amendment and make sure that that's what that is?

PRESIDING OFFICER: (SENATOR DEMUZIO).

All right. Senator Marovitz.

SENATOR MAROVITZ:

I would now move to Table Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...Marovitz, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 2 to House Bill 2188 was adopted. Those in...all right, Senator Marovitz, I am corrected...it's Amendment No. 1. Senator Marovitz, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 1 was adopted to House Bill 2188. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Marovitz now moves to Table Amendment No. 1 to House

Bill 2188. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2278, Senator Marovitz. Senator Marovitz seeks leave of the Body to return House Bill 2278 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bill 2278, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 2 embodies a agreement that I made with Senator DeAngelis and Senator Coffey which takes out of the bill language which would require that the director of the Department of Public Health be a licensed physician. That language is in another bill, was not intended to be in this bill, was inadvertently put in this bill; and by this amendment, that language is stricken. I would ask for the adoption of Amendment No. 2 to House Bill 2278.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 2. Is there any discussion? Senator Coffey.

SENATOR COFFEY:

Yes, thank you, Mr. President and members of the Senate. I can't speak for Senator DeAngelis and...and I did talk to Senator Marovitz about this amendment. But originally when this bill came through, there was...the question was asked by myself, would there be any amendment attached to this bill,

and I was told no. Then Amendment No. 1 went on which significantly changed the...the text of the bill. This bill does...the amendment that he's now offering does make some changes that are necessary, I think, to be made...be changed, but I prefer to put the bill back in its original form as we agreed that the bill would be in...originally. And I have filed amendment to do that which would put it back in that original form. And I would...I would appreciate it if Senator Marovitz would knock off this amendment and...and accept the next amendment, would put it back into the form that we agreed in...agreed on earlier.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I think it...I think that at this juncture everybody is in agreement that...that Amendment No. 2 should go on... 'cause there's no one that opposes the...the substance of Amendment No. 2. So maybe when we get to the next amendment, I can talk to Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz has moved the adoption of Amendment No. 2 to House Bill 2278. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Coffey.

SENATOR COFFEY:

Yes, this amendment...to the bill...returns the bill to its original form when it passed out of committee and was the agreement at that time. And I'd ask, you know, a favorable roll call on this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Coffey has moved the adoption of Amendment No. 3 to House Bill 2278. Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I...I think maybe one or two postures that we can work on, I mean, I'm...not in favor of Amendment No. 3 and we can either take the bill out of the record and I can discuss it with Senator Coffey. His concern, it is my understanding, because the original bill dealt with...some safety standards regarding the transportation of milk. And I think there was some concern expressed in committee about this bill being used in conjunction with the salmonella crisis and some politicizing of that which...which this will not be the case and is not be the case. All...all the...the amendment that was added does...several years ago in order to assist Director Kempiners there was an amendment placed which removed the Sanitarian Act from the State of Illinois along with a requirement that the director of public health would be a doctor, it would have to be a licensed physician. This just puts back in the...Sanitarian Act which is in...in effect in the City of Chicago and I think has always been in effect until recently in the State of Illinois. It is not my intention publicly to make this a vehicle for anything dealing with salmonella or any politicizing whatsoever, and as a matter of fact, if that be the case, I will Table the bill and make that statement publicly. All this does is creates the...puts the Sanitarian Registration Act back in the bill to provide for the registration of sanitarians through the Department of Registration and Education. The Department of Public Health has been talked to, they are in favor of the...of what's on the amendment. It's always been part of our law, and if...if it's Senator Coffey's wish that we discuss this, I would, you know, perhaps suggest if the Body is so able and inclined to take it out of the record then maybe

Senator Coffey and I could discuss this with the House sponsor, Senator...or Representative Mautino.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Yes, Mr. President, I'd be willing to do that but...but let's keep in mind that, again, in committee it was our agreement at that time that the bill was in the form that you wanted it in at that time, and if we'd passed that out there'd be no amendments attached. And now we find ourselves attaching amendment. Now there was time to...have asked to put amendment in when it could have been heard in committee and could have been discussed then. I think we had an agreement to put the bill on the Floor, it wouldn't be amended, and I think that's the way we ought to stick with it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz is it your request to take the bill out of the record? Senator Marovitz.

SENATOR MAROVITZ:

...yeah, let me ask you a question. If we take...now...now that we've adopted Amendment No. 2, if we take the bill out of the record, we get back to it to...or...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, if we take the bill out of the record as it is right now, Amendment No. 2 is out of the record as well.

SENATOR MAROVITZ:

Well, we've already...we've already adopted that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

And we're taking it out of the record, the...the entire action. You...you may...you may wish to have Amendment No. 2...

SENATOR MAROVITZ:

Have we adopted Amendment No. 2?

PRESIDING OFFICER: (SENATOR DEMUZIO)

You may wish to have Amendment No. 2 adopted and have the bill left on 2nd reading.

SENATOR MAROVITZ:

Well, that's what I'm saying. If we can do that and get back to it to move it to 3rd,...in...in case we're going to adopt Senator Coffey's amendment. I don't want to...prejudice him either. We have adopted Amendment No. 2 and we could leave it on second reading then and get to that order and move it to 3rd. Can we do that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, procedurally we...no...we've adopted Amendment No. 2. If you wish to have the bill taken out of the record...we can have the bill taken out of the record, it will be, in fact, returned...to 3rd reading. If you wish to proceed with leaving Amendment No. 2 adopted and...it...it, in fact, can remain on 2nd reading and...I suspect you could have leave to get back to it, but I...I'm not sure we're going to get back to it.

SENATOR MAROVITZ:

All right, then we'll take it out of the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. 3rd reading. 374, Senator Joyce. All right. Senator Joyce seeks leave of the Body to return House Bill 374 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 374, Mr. Secretary.

SECRETARY:

(Machine cutoff)...No. 3 offered by Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President, members of the Senate. Amend-

ment No. 3 to House Bill 374 is the State mandate's provision as per our...my conversation with Senator...Schuneman. I know of no objection to it. I ask for its adoption at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce has moved the adoption of Amendment No. 3, House Bill 374. 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right. With leave of the Body, we'll go to the Order of House...House Bills 3rd Reading...page 2, the first one is 312. House Bill 312 on the Order of 3rd Reading is...Senator D'Arco. Mr. Secretary, House bills 3rd reading, House Bill 312, read the bill.

SECRETARY:

House Bill 312.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill provides that the circuit court shall appoint a qualified interpreter for respondents in juvenile court proceedings pursuant to the Court Interpreter's Act upon a motion of the court or the State or...or various other parties that are involved in the proceedings. There is a reimbursement formula in the bill that the counties involved would qualify for. The bill is designed for people who are non-English speaking people so that...and it's also designed for deaf people, people who cannot hear so they also can have an interpreter to interpret

the proceedings for them as well. I don't know of any opposition to the bill and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Yeah, who's going to pay for this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

I...I'm sorry. Senator Chew was...wondering if it applied to...whites as well as greens and blues, no...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR D'ARCO:

What was the...

SENATOR FAWELL:

Is...is...is it true that the State is going to pay for the interpreter at the juvenile court level?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

The bill provides that upon the county...the county involved can ask to be reimbursed by the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and gentlemen, I...I want to point out that this is the last day for the substantive bills, House bills on 3rd reading, there are two hundred sixty-two. Senator Fawell.

SENATOR FAWELL:

You know I...I just think this is sort of a foot in the

door problem and...and if we...we start paying at the juvenile court level, I have a feeling we're going to end up being paid...paying for interpreters eventually in the court level, and I...and right now the counties have been able to do that themselves. I just think we're...we're looking at a...an awful lot of money eventually.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator...Senator D'Arco may close.

SENATOR D'ARCO:

Well, Mr. President, let...let me point out that right now the counties pay for interpreters and proceedings...hello...in criminal cases and civil cases and in all other cases where an interpreter is necessary in a judicial proceeding. All we're saying in this bill is, in a juvenile court proceeding before a juvenile court judge where a minor is in need of an interpreter, he should have one. And that fee paid to that interpreter should be reimbursed by the State to the county for the cost of those services, I don't think that's extravagant. That's not a foot in the door, it's a simple application for people who do not speak the English language and are entitled to their constitutional rights in the State of Illinois and the United States of America. There's nothing fowl about this bill, it's a good bill and it also includes people that are deaf and can't hear... PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Schuneman, I would point out, the gentleman is closing. Senator D'Arco.

SENATOR D'ARCO:

Ladies and gentlemen, this is a very simple bill and let's not complicate the issue. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 312 pass. Those in favor

vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 20, none voting Present. House Bill 312 having received the required constitutional majority is declared passed. 313, Senator Donahue. Senator Rupp, for what purpose do you arise?

SENATOR RUPP:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR RUPP:

In the...a group of lovely ladies, I can say that since one of them is my wife, Floss, from the IF Chapter of P. E. O. in Decatur. They are visiting the Capitol today to see what's going on over here and checking on us, and I ask that they...their presence be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, if Mrs. Rupp and her guests would please rise and be recognized by the Senate. Welcome to Springfield again...314, Senator Karpziel. Senator Karpziel, 314? House bills 3rd reading, House Bill 314, Mr. Secretary, read the bill.

SECRETARY:

House Bill 314.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 314 as amended does three things. First of all, the original bill allows all municipalities to issue licensed...liquor license fines rather than repealing...or taking away their license as is

AB 316  
3rd Reading

now the case. An amendment that was put on allows a person who has ownership in a distillery or a wine manufacturer to also have ownership in hotel, motel or restaurant and sell liquor if they...if they only sell ten percent and not any more than ten percent of their own product. And then another amendment that was put on will...would allow...the...the issuance of alcohol to people in county nursing homes if prescribed by their doctor. And I ask for your affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is, shall House Bill 314 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 51, the Nays are 5, 1 voting Present. House Bill 314 having received the required constitutional majority is declared passed. 316, Senator Sangmeister. House bills 3rd reading, House Bill 316, Mr. Secretary.

SECRETARY:

House Bill 316.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President, members of the Senate. House Bill 316 as it came out of the House is in its same form, and that is it establishes a Tax Loss Impact Grant Fund, which simply means that if a taxing district suffers an unbelievable disaster and a big source of their revenue is cut out that they could look to the State of Illinois for this impact fund. As far as I know there is not even an appropriation bill. This is a new idea, came out of our dis-

trict, Representative...this is his...Representative Davis' bill whereby Romeoville had the big blowup by Union Oil, almost half of their taxes, I guess, came from utility taxes and, of course, when that was wiped out, they had no place to turn. This does not affect ad valorem taxes at all, it's only other taxes such as the utility tax. Be happy to answer any questions; otherwise, I don't think there's any problem with this bill. Would move that it be passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 316 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 316 having received the required constitutional majority is declared passed. 320, Senator Savickas. House bills 3rd reading...Senator...Watson, for what purpose do you arise?

SENATOR WATSON:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, sir.

SENATOR WATSON:

We just passed out of there Senate Bill 312, and in our analysis an amendment mentions that we just raised the court reporter's salaries from thirty-three thousand two hundred and fifty dollars to thirty-five...no, I beg your pardon, ultimately to thirty-seven thousand two hundred and fifty, and that wasn't even mentioned, wasn't even mentioned on the floor during the presentation of the legislation. Now if we're going take this approach in a responsible manner and you're talking about moving things along, then the sponsor of these bills better tell us what's in here. End of...point, thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you, very much, for your point. Senator D'Arco, you wish to respond? Senator D'Arco.

SENATOR D'ARCO:

Listen...I mean, Senator Watson is correct, I didn't mention it. But believe me, I got involved in the debate and I did not intentionally not mention the...the fact. I mean, the fact is...when it was on 2nd reading, I offered this amendment to the Chamber, and I explicitly...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...

SENATOR D'ARCO:

...stated what the amendment did at that time...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...if...

SENATOR D'ARCO:

...and I apologize for not mentioning it in...in debate on 3rd reading...and what can I say. I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...well, you know...well, let's...let's...all right. The...the Calendar indicates increases the salary of court reporters. So, I don't suspect that it was any great surprise to many. Senator Mahar, for what purpose do you arise? All right. Senator Savickas on House Bill 320. Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President. I would ask leave of the Body to come back to 320 a little later. We are trying to work out a concern that Senator Lechowicz had on...whether it should be just commodities...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...Senator...Savickas has sought leave of the Body to come back to House Bill 320 later in the day. Is leave granted? Leave is granted. Top of page 3. 334,

Senator Mahar. House bills 3rd reading, House Bill 334, Mr. Secretary, read the bill.

SECRETARY:

House Bill 334.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. Senate Bill 334 allows for twelve enterprise zones to be included in the Calendar Year 1985. This is the same as we did in Senate Bill 665 and Senate Bill 1363. In addition, there was an amendment offered by Senator Poshard which allows for two...two additional ones...two additional enterprise zones...which...and I'd be happy to answer any questions or Senator Poshard on the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is, shall House Bill 334 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 334 having received the required constitutional majority is declared passed. 335, Senator Maitland. House bills 3rd reading, is House Bill 335, Mr. Secretary, read the bill.

SECRETARY:

House Bill 335.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 335 does as the...synopsis would indicate. It would allow the local law enforcement agencies to charge a five dollar fee for a copy of a traffic accident report and for those...those actions that are investigated by accident reconstruction teams a fee not to exceed twenty dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hall.

SENATOR HALL:

What's the present cost, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator, with respect to the...to the...to the State, that's the level that is now established by the State. This extends that same level to the locals. Currently, they...they may or may not charge a fee and that fee is not established, they can charge whatever fee they want to charge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

But five is the maximum, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR HALL:

...when you saying whatever they want to charge...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall...Senator Hall...

*HB 344  
3rd reading*

SENATOR HALL:

...I mean, is there a five dollar maximum now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes, sir, there is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 335 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 335 having received the required constitutional majority is declared passed. 334, Senator Barkhausen. House bills 3rd reading is House Bill 344, Mr. Secretary, read the bill.

SECRETARY:

House Bill 344.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 344 does two separate and somewhat different things with regard to the Municipal Code. The first provision relates to annexation and it somewhat broadens the annexation provisions which now permit annexation where a municipality is bordered by a river or a lake and goes beyond that in counties over four hundred thousand to allow such annexation where a municipality is bordered not by a river or a lake but by a creek. And this is aimed to help a particular community in my district, the Village of Lincolnshire. In addition to that, it deals with the incorporation provisions of the Municipal Code in one

slight respect, to create a brief thirty-day opportunity after the passage of this amendatory Act for an area that has...rather than having twenty-five hundred inhabitants which is normally required, to allow potentially incorporation for an area that has eighteen hundred inhabitants. This is specifically aimed at trying to help the...unincorporated area known as Knollwood in the middle of my district. I know of no opposition and the municipal league has signed off on it, and I would urge passage. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he...

SENATOR HALL:

Is this Statewide?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, it's not Senator Hall, it's...counties...in the case of the annexation provision I discussed it's counties over four hundred thousand. And, I believe in the case of the incorporation provision I know it's counties over four hundred thousand and it's also, I believe, counties under a million. And as I...I emphasized on the incorporation provision the area of eighteen hundred inhabitants, it has only thirty days after the passage or the enactment of this amendatory Act to try to take advantage of these provisions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Nedza.

SENATOR NEDZA:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Nedza.

SENATOR NEDZA:

Senator Barkhausen, is this the same bill we had last year that concerned that principality with the golf course around it. Is this the same content?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I thought of mentioning that initially to emphasize that no...this is...this is something totally unrelated. We did...some of the members may remember we had a...a difference of opinion on a...some other unrelated aspect of the Municipal Code from the last Session, this has nothing to do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...further discussion? Further discussion? If not, the question is, shall House Bill 344 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 344 having received the required constitutional majority is declared passed. 354, Senator Kelly. House bills 3rd reading, House Bill 354, Mr. Secretary, read the bill.

SECRETARY:

House Bill 354.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 354 merely defines the term stun gun. As you

HB 357  
3rd Reading

recall, we did pass the substantive bill, Senate Bill 144, by unanimous vote. This bill defines that term, and it also provides a Class A misdemeanor penalty for the...unlawful use of the weapon which is called a throwing star. This bill should have been on the Agreed Bill List. I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 354 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 354 having received the required constitutional majority is declared passed. 357...House bills 3rd reading is House Bill 357, Mr. Secretary, read the bill.

SECRETARY:

House Bill 357.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr...Mr. President, Ladies and Gentlemen of the Senate, this basically is a downstate pension bill for the police, it puts them in compliance with the downstate firemen. It allows them also in their retirement to continue their group insurance plans at the full rate that an active police officer would do and also allows them another option for investment of their pension fund. I know...I know of no opposition to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 357 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. House Bill 377...House Bill 357 having received the required constitutional majority is declared passed. 360, Senator Sangmeister. House bills 3rd reading, House Bill 360, Mr. Secretary, read the bill.

SECRETARY:

House Bill 360.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. What is now in 360 is the exclusionary rule that we passed out of here before and got no hearing at all over in the House. It's cosponsored, as you can...see from the original bill which we passed out of here by both sides of the aisle, Senator DeAngelis and I have a great interest in seeing that the exclusionary rule is passed into law in the State of Illinois. We are not creating any new substantive law, as I explained before, all we're doing is codifying the Federal decision that says the exclusionary rule has certain exceptions such as the good faith amendment. That's all this does, it's been worked on by both defense and prosecution and it is the same identical bill that we passed out of here before and I ask that we do so again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 360 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. House Bill 360 having received the required constitutional majority is declared passed...574 was on the recall list...go to the end of the day, 374. 377, Senator Topinka. House bills 3rd reading is House Bill 377, Mr. Secretary.

SECRETARY:

House Bill 377.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this basically eliminates all automatic exemptions from jury duty. As you know, constitutionally, the only thing that a citizen is required to do is serve on a jury. However, because of the effects of special interest over the years roughly twenty-nine either individuals or groups have now been eliminated to the point that it would be very difficult to get a jury of one's peers. The...the bill also permits the county board, jury commissioners upon approval of the chief judge to excuse jurors if undue hardships would result and it continues to allow for peremptory challenges by prosecutors. At this moment in time...I...the concerns of the Illinois Press Association were taken care of in terms that they are neutral on the bill. There might be some publishers who might dislike the bill, it has been editorialized by WBBM radio and is supported by the Illinois State Bar Association.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Lechowicz. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Will the lady respond to a question or two?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will.

SENATOR LECHOWICZ:

Senator Topinka, could you tell me who...what..who or what are the exemptions on this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, if I might. I read fast so it goes pretty quickly. Governor, Lieutenant Governor, Secretary of State, State Comptroller, Treasurer, members of the State Board of Education, State Superintendent of Education, Attorney General, members of the General Assembly, judges, clerks of the court, mayors, aldermen, village trustees, policemen, firemen, sheriffs, coroners, doctors, Christian Science practitioners, Christian Science readers, postmasters, lawyers, clergy, members of "religious communities," we don't quite know what that is but they're there too; officials of the U.S., presumably high elected or appointed...officials; journalists and persons working on newspapers of general circulation, dentists, militia and State guard personnel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, isn't that basically the same exemption we have now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

I...I don't understand the question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Why don't we just leave it on. Isn't that basically what

we...the same exemption we have now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

...no, there's no exemptions. At this point, it would have to be a peremptory challenge by the prosecutor involved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR LECHOWICZ:

I believe...excuse me, Mr. President. I believe that the current jury selection process has an exemption covered by the...by the law. And I believe the exemptions you just read to me are the basic exemptions presently for jury duty.

SENATOR TOPINKA:

That's...those would be removed...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

...I mean, they would be removed totally. At this point everybody would be taken equally.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, my question to you, Senator Topinka, who is exempt?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR TOPINKA:

With this bill, no one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I...may I speak to the bill, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Go right ahead.

SENATOR LECHOWICZ:

I believe this bill is something that we discussed and had brought...brought before us...that was handled by Senator Grotberg sometime ago. And I believe that the current jury selection process...there has to be certain amount of exemptions in order to protect the jury system. When you're...when you're including everybody to be a juror, unfortunately, there are certain conflicts that may arise. And I can understand the situation where a person may say, well, there may be a conflict but they'll be excused either by the defense or by the prosecutors who are selecting the juries. But my personal opinion, I believe the situation as it exists presently where you have court personnel who may have an inside on the case, they should be excused, not making that determination by perspective defendant or someone else within the system. I believe that the court system that we presently have should be maintained and these exemptions should be included, maybe not to the extent that they are, but this bill would make it mandatory that everybody apply for jury service and without any exemptions. I don't believe that the Governor of this State should serve on a jury or any other State officer until their term of office is up. I also believe that the judges in this State should not serve as jurors, court clerks of this State or other elected officials. And I'm really concerned about eliminating the possibility where a person's religious belief...will not...will not permit them to serve as jurors and now you're making it mandatory. I believe the Christian Science practitioners and other people who truly respect their beliefs should not have to serve. And for that reason, I oppose 377.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR JEREMIAH JOYCE:

Just a of couple questions. Senator, are...are you trying to...provide a...police officers, for example, with an additional right? Is that the purpose of this, or do you feel that these people are being discriminated against because they are not permitted to serve on juries or what exactly are you trying to do?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

If anything, it discriminates against both sides. It does not allow a person to carry out his...his or her constitutional right, on the one hand, of having the ability to serve on a jury and therefore providing a jury of peers which we are constitutionally guaranteed. On the other hand, do we discriminate against the public at large by removing so many groups from the system that ultimately we have to recycle the same people over and over and over again? And I'll bet you a dime to a dozen that you've got people coming to your office saying, why am I constantly being called? Why me all the time? And these people go out and do indeed do that. We have robbed the pool of available talent, so to speak, of the people who can legitimately serve on juries. And, although Senator Lechowicz might bring up the subject of...of...you know, maybe this should be reduced to some extent; unfortunately, when you remove one, then the next group comes on and the next group and so on down the line till we now have twenty-nine either individuals or groups who are exempted. And if it's good enough for Jerry Brown in California, it's good enough for Jim Thompson in Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, the...the only concern I have, and I agree in part with what you're saying, there's no question that these

people stream into our offices and...feel that they are being put upon and...and recalled and recycled into the system. But...I think you have too many...you are...you have...you should have left some of these exemptions intact, because as a practical matter, if you are saying that you have to exercise a challenge or remove for cause, as a practical matter many of the occupation groups that you have referred to in this legislation will be removed for a cause. So, you have to go...through voir dire and all that's attendant with that in order to, for example, take a police officer off a jury. Because if I had a pool and they bring in the first panel and I'm a defense attorney and there are four police officers sitting in that panel...you cannot...no judge, I...I believe would require me to exercise four peremptory challenges to take those four officers off of that jury. I think that they would...I think that they would most likely go off for cause. So that some of those occupational groups that you have on there, if they were not on there, this may make some...a little more sense. But as you have this thing drafted, it's just...you're...you're just going to put an unreasonable time burden on the system.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussions? You may...you may do that in your closing. Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Hall.

SENATOR HALL:

Senator Topinka, who wants this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

The public.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

I...I want to give you an example, Senator. Right now...you do this, your bill would be up today and you'd be ordered to a jury duty, and you got important legislation here, are you saying that you should leave here and go serve on the...on the jury?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

What I'm saying is, I could be called but with some of the House amendments that have put on here, a county board or jury commissioners could submit questionnaires to prospective jurors and excuse them from jury duty for certain undue hardships relating to occupation, business affairs, military service, physical health, family situation or other personal affairs. So there is quite a bit of latitude as to who or who could not be called out in this type of a situation, so I doubt if I would be called.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, in line with what Senator Joyce just said. A police officer makes an arrest and then you're saying that he ought to serve on a jury and supposedly the person is there that he had placed in there...this capacity...have you thoroughly thought through what you're trying to do here? Have you given really serious consideration? Senator, I'm appalled. I tell you, this is a bad bill, it ought to be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. Well, I rise in support of this bill, I don't see anything wrong with it. I don't see why dentists should be able to...exempted from serving on jury...duty. I don't see why village trustees should be exempted from serving on jury duty. Every village trustee in my district has a private business, they're in insurance or they work for some corporation or something or another. They're just average people like everyone else. I don't see any reason why these people should be exempted. Now, perhaps the Governor should be...exempted from some cases but maybe from some he shouldn't be, I don't know. I see nothing wrong with having every individual American serve on jury duty if...if called, and if any of these other reasons apply or they are challenged by the attorneys, then they're not going to serve. But other than that, I can't see any reason why I should not serve on a jury duty just because I'm a legislator. What has that got to do with say a murder case or a rape case or whatever else? I would have opinions just like every other American that's asked to serve on a...jury, and I think it's a great bill. We should...we should, you know, pass it out of here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Joyce. Well, apologizing for a second time. Senator Topinka, what we're...what I'm saying is this. Your...the language that you read to Senator Hall talks about hardship. I'm not...I'm not talking about a situation where you have a hardship. I am saying that you are imposing on the system an unnecessary burden and you could remedy that by just taking out a few of those occupational groups. You are putting police officers into the system and police officers or other people who have wide experience with cases that come before courts are not going to sit on juries, they are not going to be acceptable to either one or the other, whether it's a criminal case or a

noncriminal case. And what I am saying is, you are either causing someone to exercise a peremptory challenge...but that's not going to happen, he's not going to have to exercise a...a defense counsel or a prosecutor is not going to have to exercise peremptory challenge. The judge is going to strike them out for cause. But you're going to have to go through the whole process of voir dire and all of that and that is just a waste of time. If you took some of these groups out of here, this bill may...would make some sense. But as it's presently drafted, I don't think it should...should pass out of here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...further discussion? Senator Topinka may close.

SENATOR TOPINKA:

Yes, Ladies and Gentlemen of the Senate, I think the bill is...is uniquely fair. When prosecutors come to...to my office and to other offices and say that people cannot get a fair trial because they cannot get a jury of their peers because so many people have been eliminated from the system, there is something radically wrong. I mean, when all that's basically left is a skewed system that has a tendency to fall into certain areas of...of people right off where you get a certain opinion that's already locked in, it cannot guarantee a free trial. It's a very fair bill. To...to kind of recite what...what Senator Karpel said, what exempts us? Why are we different? We're not, and we can participate just as easily. This bill does provide for excuses for occupation hardship, other related incidences, it should not be a problem. And, if as Senator Joyce brings up, it might cause a difficulty for some people, right now it's causing a difficulty for everybody. And I think it should be addressed, it's fair, I would encourage the passage of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

HB 381  
3rd Reading

The question is, shall House Bill 377 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 27, the Nays are 25, 2 voting Present. House Bill 377 having failed to receive the required constitutional majority is declared lost. 381, Senator Barkhausen. House bills 3rd reading is House Bill 381, Mr. Secretary.

SECRETARY:

House Bill 381.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 381 is intended merely to clarify pleading requirements in negligence cases where the defendant might want to assert as an affirmative defense that the plaintiff was in some manner contributorily negligent. Apparently there is a...a division of opinions among...among courts as to...in...in the cases of pleadings whether it's the plaintiff's responsibility to plead freedom from contributory negligence or whether the defendant has to assert contributory negligence on the part of the plaintiff as an affirmative defense. And this bill consistent with what pattern jury instructions in Illinois seem to require would put the burden on the defendant to assert contributory negligence on the part of the plaintiff as an affirmative defense. It's a suggestion of Judge Carl Heninger out of DuPage County. I know of no opposition and...and would urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is,

HB 387  
3rd Reading

shall House Bill 318 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 none, none voting Present. House Bill 381 having received the required constitutional majority is declared passed. 387. House Bill 387, Mr...Senator Collins. All right. House bills 3rd reading is House Bill 387, Mr. Secretary, read the bill.

SECRETARY:

House Bill 387.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. House Bill 381 does exactly what the Digest said, it...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...387.

SENATOR COLLINS:

I mean, 387, I'm sorry. You cut me off...okay. It deletes the requirement that a collective bargaining agreement cannot be entered into until such time an appropriation had been approved. That's all the bill does and I would ask...I'll be happy to answer any questions. If not, I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any...any discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This came through Local Government Committee and I think it just kind of slid through, I'm not sure exactly how it got through without any opposition. But I would...I'd like to ask the sponsor to

maybe give us a little more detailed explanation of what this does. How is it going to affect municipal leagues or cities? I understand the municipal league is opposed to this. Is this going to have a fiscal impact on...on communities or just exactly what's...what are we talking about doing here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. What we're talking about doing is to try and...and...and...and...and break the...the logjam and the hassle of having to have collective bargaining agreements come up on an annual basis so that you can enter into two-year contracts and we won't have to go through the same hassle every year. That's all this bill is doing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Watson.

SENATOR WATSON:

You mean we're just allowing the community to enter into a long-term contract and...and that the appropriation then doesn't have to pass in order for that contract to be valid? Is that what we're saying? But why is the municipal league opposed to that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

These...these are collective bargaining agreements. In many instances they're two-year agreements and they don't have to negotiate every year. This just simply allow for multiple year contract, collective bargaining agreements.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR WEAVER:

Senator Collins, if the community failed to appropriate sufficient funds on the second year, what would happen to the contract?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

I'm sure that a court would have to resolve the issue as they do...some...in some cases now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

This would mean then that the taxpayers are going to be stuck whether or not the...the city council say appropriates the money or not. They'll go to court and...and put on a...on a mandatory tax. Is that the intent of your legislation?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Under the collective bargaining laws that we passed last year or year before last, if there is a shortage of funds there would most certainly be a reasonable and...then there is a process by which one would follow under our State collective bargaining laws that would allow for any local unit of government to get out of a contract or not be penalized simply because the money isn't there. Shortage of funds is one of the conditions by which a contract can be rescinded.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Speaking to the bill then. I think we all remember back

a few years where we had multiyear contracts for State employees, and we failed to appropriate enough money to meet those contracts, so what happened? We had to fire X number of...State workers because we didn't appropriate the money. Now you're...with this bill you're coming back and saying that the...say the State employees would go to court and force us, the General Assembly, to come up with the money to honor those contracts. I think it's bad concept and we should defeat this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR COLLINS:

Yeah, I think if this bill would...would...prohibit or in some way relieve the burden of the Chicago School Board from having to disrupt the education of our children every year by allowing them to enter into multiple contracts, I think this...this bill is...in fact, would serve its purpose, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 387 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 31, the Nays are 24, none voting Present. House Bill 387 having received the constitutional majority is declared passed. For what purpose does Senator Weaver arise?

SENATOR WEAVER:

A verification, please, of the...

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification of the affirmative vote has been requested. Will all the members please be in their seats and will the Secretary call the affirmative vote.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there a question of any of the affirmative roll?

SENATOR WEAVER:

Senator O'Daniel.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel in his seat? Senator O'Daniel. Strike his name from the record.

SENATOR WEAVER:

Senator Jones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones in his seat? Senator Jones. Strike his name from the record.

SENATOR WEAVER:

Senator Lemke.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke in his seat? Senator Lemke. Strike his name from the record.

SENATOR WEAVER:

Senator Welch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch in his seat? Senator Welch. Strike his name from the record.

SENATOR WEAVER:

That's enough.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Welch has returned to the Floor. On a verified roll call, there are 28 Yeas, 24 Noes, and the bill having failed to receive a constitutional majority is declared

lost. Senator Collins seeks leave of the Body to put House Bill 387 on the Order of Postponed Consideration. Is leave granted? Leave is granted. We have WAND-TV from Decatur. He requests permission to videotape Senate proceedings and Dennis Overturf from...an intern...with Representative Bruce Richmond is seeking permission to take pictures from the gallery of the proceedings to show his government classes where he teaches. Is leave granted? Hearing no objection, leave is granted. And there has been a request by members of the Senate that the doorkeepers allow no cards in. We are on 3rd reading, and...Mr. Doorkeepers, Mr. Sergeant-at-arms, would you see that no cards are brought in and no Senators are disturbed. On the Order of House Bills 3rd Reading, House Bill 392, Senator Lemke.

END OF REEL

REEL #2

PRESIDING OFFICER: (SENATOR SAVICKAS)

Read the bill, Mr. Secretary.

SECRETARY:

House Bill 392.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lenke.

SENATOR LEMKE:

What this bill does is amends the Public Aid Code in regards to burial expenses. Provides that a...that in the...AABD program financial...assets set aside for burial expenses including prepaid burial plans cannot be considered by the Department of Public Aid when determining income. These assets can only be excluded to the same extent permitted for the Federal Supplement Security Income Program. Currently, up to fifteen hundred dollars per family is exempt for a prepaid burial plan and/or burial merchandise which is a crypt. 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 House Bill 392 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 392 having received the constitutional majority is declared passed. House Bill 401, Senator Vadalabene.

SECRETARY:

House Bill 401.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 401 provides for a program of annual matching State grants administered by the State librarian which is the Secretary of State for construction costs of public libraries. It authorizes a special grant not to exceed fifty percent of the annual appropriation each year for construction or renovation of the Chicago Public Library State Research and Reference Center and I move for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WATSON:

What's the appropriation for this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

There is a request of eight million dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you. Is this in the...the budget...the Governor's budget?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

I think it's in the Governor's Build Illinois Program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Which one?

SENATOR VADALABENE:

I'll let you know after the Conference Committees...

SENATOR WATSON:

...okay...well, it...it may be in the Build Illinois Program but, unfortunately, that doesn't make it any better than...we're...we're talking about increasing the grants for State libraries and that's...libraries and a lot of us will be affected positively in our districts. It's probably something that would be very popular to vote for back home, but I don't know how responsible it is. We're...we're talking about also increasing a special grant for the Chicago Public Library...for the State Research and Reference Center of up to fifty percent. So, a good portion of this money is going to go into the...to the city for their particular library or for that particular State Research and Reference Center. It's not in the budget. It passed out of Local Government Committee on a partisan roll call. There was four of us voting No and I...I think that we should vote No on the Floor here today. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR VADALABENE:

Yes, a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 401 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 27. House Bill 401 having received the constitutional majority is declared passed. House Bill...Senator Watson, for what purpose do you arise?

SENATOR WATSON:

A verification, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification has been requested. Would all the members please be in their seats and the Secretary call the affirmative roll. Senator Watson, what purpose you arise?

SENATOR WATSON:

Well, just for one...one remark. Why don't we just take some paper clips out. If we take the paper clips out of our switch, we might save ourselves a lot of problems here and we won't have these verifications, 'cause the...some of those people aren't here that are voted. Might as well just...thank you, John.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Mr. Secretary, would you call the roll.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson, you question any of the affirmative vote?

SENATOR WATSON:

Yes, sir, Dawson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR WATSON:

Jones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones on the Floor? Senator Jones? Strike his name.

SENATOR WATSON:

That's good.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene seeks leave of the Body to put House Bill 401 on the Order of Postponed Consideration. Hearing no objection, leave is granted. Senator Vadalabene.

SENATOR VADALABENE:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR VADALABENE:

I don't mind Senator Watson voting against this bill, but I think he ought to be a little bit more careful the way you chastise some of the...the colleagues on both sides of the aisle about those pins. I don't think that should be any concern of yours and I think you owe them an apology.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, I don't believe I owe anybody an apology. I...I don't think that that's proper, I don't believe the public accepts that and I don't think if a member is here he should be voting. It's as simple as that. I don't owe anybody an apology.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of House Bills 3rd Reading, House Bill 409, Senator Barkhausen. House Bill 431, Senator Maitland. Oh, Senator Barkhausen is on the Floor. 409. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 409.

(Secretary reads title of bill)

HB 431  
3rd Reading

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 409 represents a bipartisan solution that...through the cooperation of Senator Berman and the members on the other side in the Senate Education Committee, we've been able to work out to a...problem in my district where the high school...Warren Township High School burned down, and this bill authorizes a...a nickle levy to pay back what we will...hope will be a State loan of approximately a million dollars to pay for temporary relocation expenses. The students at this high school have had...to travel some fifteen miles to occupy a...a vacant high school in my district and they're incurring expenses of a couple of million dollars over a two-year period, and so this will help them with some immediate cash flow problems by enabling a payback of a State loan. As I say, have worked this out with Senator Berman and the members of the Senate Education Committee. I thank them for their cooperation and urge a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Barkhausen...if not, shall House Bill 409 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, none voting Present. House Bill 409 having received the constitutional majority is declared passed. (Machine cutoff)...Bill 431, Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 431.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 431 increases the...the number of Governor's appointed members to the State...State Fair Board of Advisors from thirteen to fifteen and would further...with an amendment placed on on 2nd reading would cause the...the County of Dupage...county board to pick the county fair board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Demuzio at Savickas'.

SENATOR DEMUZIO:

Well, thank you, Mr. President. First of all, I don't know why we're adding two members to the fair board unless we got two people, I guess, we want to appoint, and you said by virtue of Amendment No. 1, we're going to allow the county board to appoint the board members in DuPage County to the county fair board. Is that prevalent throughout the State of Illinois or we're just now going to do this simply for DuPage County only?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Seeing that's my amendment, it's for DuPage County only. We're one of the few counties that the county board or the county government owns the fairgrounds. I think that's one of the only counties in the State of Illinois that that is true. It's also our intent that the fair board that is appointed pursuant to this bill shall be the fair board that will be certified to the Department of Agriculture as the official board to operate the DuPage County Fair. We're one of the...the second...we're the...we're the largest four-day fair in the State of Illinois, believe it or not, for county

fairs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

All I'm saying is, this is going to be the only county fair in Illinois that appoints...the county board appoints the members of the fair board. Is that correct? That's what I'm asking.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

I...I believe that is correct. It's the only county fairgrounds that is owned by the county government in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator...

SENATOR PHILIP:

...and we think, and...my...my county board...this was not my idea, Senator Demuzio, this came from my county board officials...evidently, they have not been exactly thrilled by the way the county fair has operated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I'm not saying it's a bad idea. I'm just saying that, you know, next year, I may come in because I have certain counties maybe I want the county board to appoint the members of their fair board. I'll...just at random and selectively, but I can pick and choose too, that's fine.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Very briefly, Ladies and Gentlemen of the Senate, I believe that this matter was

addressed on 2nd reading and the President of the Senate, Senator Philip Rock, was very clear when he said he...stood in support of the appointed procedure for DuPage County based upon the present...the current president of the DuPage County Board and his excellent working relationship in reference to picking people in county government. I also stand in full support of 431. I believe it merits your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you...thank you, Mr. President. About the amendment too,...Senator, each...and I'm not just sure of the procedure of how fair boards are...are chosen, but they have to meet a standard. I think the...the farm bureau has an appointment, the county extension advisor is...is on it, and to be eligible for any money, I would think that you would have to meet these same standards, but I...I don't think now that the DuPage County Fair is receiving any State money, are they?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

We are not...receiving any money from the Ag. Premium Fund. That is correct. We turn a profit every year, Senator, I think last year was forty to fifty thousand dollars. Also, they have about seven hundred thousand dollars in CD's and treasury notes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, in that case, I...as long as they're not receiving any State money, I guess it doesn't make any difference. They can do what they want to.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 431 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. House Bill 431 having received the constitutional majority is declared passed. Yes, Senator Rupp has a few constituents that he would like to introduce to the membership. So, at this time, I will turn the microphone over to our colleague, Senator Rupp.

SENATOR RUPP:

I think as soon as you see, Senator Savickas, you'll want to stay here too. Thank you, Mr. President. What I would like to do is introduce Miss Rhonda Culleson of Decatur. Miss Culleson...stand closer, they're taking pictures. Oh, did you hear that? Someone said, don't forget, my wife is up there. Well, Rhonda is a graduate...1985 graduate of Decatur MacArthur High School. She participated in student council work, class council work, cheerleading, band, softball, gymnastics and other activities. She was on the high honor roll. She was a member of Who's Who Among American High School Students and received the Lyle K. Music...Memorial Award at MacArthur High School. And here is some other pluses, and this one I like, she accumulated two hundred and seventy-eight volunteer hours while working as a counselor at East Bay Camp, in nursing homes, in the Special Olympics, the Big Sister Program and other worthwhile organizations. Her accomplishments sort of reinforce and enhance our belief in the youth of this State. We...I...I have a copy of the resolution, I will present this to you, but as you know, earlier today, I introduced another batch of beauties from Decatur. Now, I have another chance to show you another beauty, Miss Illinois National Teenager 1985.

MISS RHONDA CULLESON:

(Remarks made by Miss Culleson)

SENATOR RUPP:

In the back are the proud parents and a proud brother and the program director. She actually is a great singer. We should have her back here sometime to sing. You want to take another picture? Thank...thank you, Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

House Bill 474, Senator Berman. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 474.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill does three things. It requires private process servers to be registered with the sheriffs in their...in the counties of their principal place of business. It authorizes employees of private process servers to make service of process and allows the court to tax as cost the cost of...of that service. Move the adoption of House Bill 474.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 474 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. House Bill 474 having received the constitutional majority is declared passed. House Bill 481, Senator Kelly. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 481.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 481 prohibits the parties from filling a vacancy in nomination no later than sixty days following the general primary if that vacancy was caused by the failure to slate. This bill which received 111 to 2 votes when it left the House allows...unopposed incumbents, including members of the General Assembly, to learn at an early date whether they are going to have opposition in the fall. That is the first aspect of the bill. The second one, Senator Netsch may have a problem with, concerns changing the base for determining the number of required signatures from the number of votes cast at the last election to the number of registered voters. This...this bill as amended incorporated the contents of House Bill 181 which reduced the number...a percentage of requirements from ten percent to five percent requirements needed for a ward committeeman, and it provides uniformity which is what the earlier legislation attempted to do, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not,...Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I am only speaking for myself on this particular bill, while I am minority spokesman, I am not speaking for this side of the aisle. I merely want to say that I think that a percentage of those who are registered voters, even though we have done one good thing in this bill which is to make uniform the number of signatures that are required both...for ward and township committeemen, I do have to tell you that I think that this is an extraordinary requirement and I personally feel that this not a good bill

because of that particular aspect. I think that it disenfranchises people who would want to run and to get that many signatures, which is an unduly high number of signatures as was explained a...a few days ago on an amendment by Senator Netsch is absolutely true, and I...I just really have to say that in the name of what I consider to be good government, I do not think that this is a bill that I can vote for.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there...discussion? If not, Senator...if not, the...Senator Netsch.

SENATOR NETSCH:

Thank you. I just returned to the Floor. I believe that Senator Macdonald may well have expressed my point of view on it and I would simply underscore the fact that it...the...the whole idea of petitions to get on the ballot is to make it just onerous enough that there will not be totally frivolous candidates. It is not designed to keep people from participating in the political process. This kind of a measure, which is a really burdensome one, will assure that...and lots of wards and lots of townships possibly there will be no one who will be able to qualify. That is not the point of requiring petition signatures for access to the ballot. I think it is...very likely if you do it, it's eventually going to be knocked out by the courts and we'll just keep going round and round and round. So, I just think it is...it is unfortunate that everyone feels they've got to take this point of view and I would hope...I assume the bill will pass. I would hope it would not, because if it does pass, it's going to be overturned by the courts one of these days soon anyway.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly, do you wish to close?

SENATOR KELLY:

Appreciate your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 481 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted...have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 9, 1 voting Present. House Bill 481 having received the constitutional majority is declared passed. House Bill 493, Senator Kelly. Read the bill, Mr. Secretary.  
SECRETARY:

House Bill 493.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 483 permits a write-in candidate's votes to be counted only if he or she has prefiled by the Friday before the election a notarized statement of intent to be a write-in candidate. The...the bill's purpose is to eliminate unnecessary work for the election authorities who must now tally the...write-in candidates, and that's the intent of the bill. It passed by a 113 to 5 vote in the House. I would appreciate your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 483 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 51, the Nays are 4, 1 voting Present. House Bill 483 having received the constitutional majority is declared passed. House Bill 497, Senator Donahue. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 497.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. House Bill 497 has three parts to it. The first part in the original bill requires that in civil arrest warrants that they must contain the name, the date of birth, sex, physical description of the person to be taken into custody. This is where we have some of our problems with our sheriffs if you have the name John Smith and they don't know what John Smith looks like, they have a problem serving the warrant. In part two and...and Amendment No. 1 provides that in counties less than one million, processes may be served without special appointment by a private detective and that detective...must have liability insurance in the amount of not less than five hundred thousand dollars. And in Amendment No. 3, we simply put it in the same posture as Senate Bill...or House Bill 474 that we just passed out. I would move for its favorable adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Darrow.

SENATOR DARROW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR DARROW:

With regard to private detectives serving process, although they have the insurance, do...does the sheriff or the chief judge or any of the judge have jurisdiction over them?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

He's not appointed by the judge, is that...if that's what you mean.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

In other words, a lawyer can hand a summons to a private detective and say, go serve this on John Jones' wife and bring it back to me, and he can do that, bring it back and the lawyer then files it and whether the detective actually serves it or not, the court has no say in the matter. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

I think I ought to defer this to Senator Sangmeister since that was his amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yeah, Senator Darrow, if I understand your question, the...I'm reading right from the amendment, okay, "This person who's over the age of eighteen years of age and not a party to the action, who is properly registered with and has received instruction on proper procedures for serving process from the sheriff of the county in which the service is to be made." So, he has to be qualified by the sheriff.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WELCH:

The...first reading of the first part of the bill stated that you have to have the date of birth of the individual who's going to be arrested, and if that's true, does that apply when a judge issues a warrant for contempt against a defendant, for instance, who doesn't appear?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well, what if the...what if the person doesn't know the date of birth, what...what's the...is there an exception or an out?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Yes, if...it doesn't contain the date of birth, it doesn't invalidate the warrant or the order.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

But will the sheriff go ahead and serve the...we have trouble in our county getting the sheriff to serve warrants anyway and if they can find another excuse to not serve it, they will use it, and that's what I'm afraid of.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

No, if it doesn't contain this, the sheriff still has the authority to serve the warrant.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

...didn't...didn't last year...didn't we pass a bill that required more specification on..was it on warrants requiring the address of the individual or...are you familiar with that? No. Okay. Nothing further.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question? Why does this just apply to...to counties under one million?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

That's Senator Sangmeister's amendment, the one that deletes Chicago.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Well, whoever put the amendment on, I want to know why is it just for counties under one million?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Address that to Senator Sangmeister. Senator Sangmeister, we have questions...regarding your portion of the bill. Senator Hall.

SENATOR HALL:

My question is, why does this just apply to counties under one million?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

You've been here as long as I have to know the answer to that question. Apparently, as I've been told, Cook County does not want to be involved in the sheriff authorizing private detectives and going through instructional schools and

everything else, so, you know, when Cook County says they don't want it, why, we kind of go along with the program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Senator Hall, I would point out that it...it's only in...in regard to detectives. The rest of the bill applies to...to Cook County.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

I'd also point out, we just passed 474 and that requires process servers in Cook and other counties to be registered and to undergo training. These bills between 474 and 497 complement each other. They...they're not duplicative...I don't want to give that impression, but 474 does apply to all the counties including Cook.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Donahue may close.

SENATOR DONAHUE:

I would just move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 497 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. House Bill 497 having received the constitutional majority is declared passed. House Bill 510, Senator Poshard. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 510.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

HB 513  
2nd Reading

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill represents several items in the Downstate Teacher Article of the Pension Code as well as the State's contribution to the various retirement agencies. The House approved this measure in the form of one single bill, it was several bills that were sent over and passed. Basically, the bill contains administrative proposals and the requests of several organizations. I'm sure your analysis lists the different components of the bill. I'll be happy to cover these point by point if requested...otherwise, I ask for your favorable consideration of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is,...is there discussion? If not, the question...Senator Fawell.

SENATOR FAWELL:

According to our analysis, there's a fiscal impact of four hundred and twenty-seven million dollars first year payout on Fiscal Year '86. Is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Senator Fawell, that...that is the State's contribution to the various retirement systems, that's the...the normal State contribution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House 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 51, the Nays are 5, none voting Present. House Bill 510 having received the constitutional majority is declared passed. House Bill 513, Senator

Poshard. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 513.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill authorizes the Department of Transportation to install interstate highway exit signs alerting motorists of facilities available in upcoming communities. Various states already have this measure. These are signs that fit in with the surrounding environment, they allow various businesses in communities off the interstates to advertise, such as, McDonald's, Holiday Inn and others. They're attractive. The Department of Transportation would collect rental fees from these businesses to pay for the cost of these signs. So many times when we're driving up and down the interstates in this State, we don't know what kinds of services are available at the next exit or the one down the road and this would simply alert motorists to the facilities that would be available. I think in the end, the...the signs would eventually pay for themselves through rental to various businesses throughout the communities. I would ask for your favorable consideration of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Does...does this...does the...will the sponsor yield for a question? Does this include, for instance, communities such as mine that have several interstate highways cutting through it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Well, it would...it would include all area...areas of the State with interstates with the exception of those toll highways in the State. Senator Fawell, I...I don't know about your particular community.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...is there...Senator Fawell.

SENATOR FAWELL:

The reason I'm bringing it up is because...we...we've had a lot of our municipalities who are screaming bloody murder about the fact that...that the State highways...have...are going to their communities and putting up big...allowing big billboards and what have you to be...put in their municipalities and if this bill passes, it sounds to me like we're going to get the municipalities yelling even more because of the fact we're going to have these...these billboards and signs and what have you put up without permission from the municipalities, and it seems to me that...that's overriding home rule and does this...I would like a ruling, does this require thirty-six votes?

PRESIDING OFFICER: (SENATOR SAVICKAS)

No, it doesn't. Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, and I apologize for having to rise on this, but I know there are some Federal guidelines with respect to the location of...of signs. Does this...or attempt to circumvent those regulations?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

No, this is...this is not an attempt to circumvent the...Federal regulations in any way. The...the...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

You understand, Senator Poshard, that some of those regulations deal with...with the distance between the cutoff and the facilities and all of these things? You'll still abide by those guidelines?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Yes, these are informational signs only. I would assume that if Kentucky and Iowa and other adjoining states could put up these kinds of signs, that Illinois should certainly comply with the Federal...regulations that those states have to comply with. These signs are attractive, they're not huge billboard signs, they're much like the present exit signs that exist with...with symbols of the businesses, Holiday Inn, McDonald's, whatever on the signs. They're very appropriate. They're not damaging to the environment in any way and I'm assuming that DOT would work within the Federal guidelines to comply with those regulations.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COPFEY:

Thank you, Mr. President and members of the Senate. Very quickly, I rise in support of this bill. I think it's a...it's a good measure and I commend the Senator for coming up with this piece of legislation. There is other states that already participate in...in this same type of program and, Senator,...these are not...large, obnoxious signs, they're really...only roadside signs and they...they'd be small in nature, just designate at the exists places for motels, restaurants and others, and I think it's very informational for tourists and travelers and I'd ask us to support this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAPFER:

Well, I just want to emphasize...couple of years ago I did a trip out to the west coast and when you're driving along...what we're talking about are those signs that say services and they had a little symbol for gasoline and forks for food and what have you. Only all this does is add the Holiday Inn logo or Amoco logo or Shell or whoever is out there. Now, frankly, if you're...if you're like me and you have a handful of credit cards, it's kind of helpful to know what gas station is off and we're not...I think they...the signs are the same size as the ones we already have up, they just add the logos. I think the objection comes in the...in the fact that we...we are going to pay for these signs up-front and then get the money back over a period of years. I would suggest that it would be very beneficial to...these gas stations and...and motels to have such a thing and that perhaps...I don't know what the bill says is terms of revenue collection, but I...my guess is that they would cheerfully pay for the signs up-front if we gave them the chance. My only question is, why...why the tollways are excluded because, frankly, the tollways, I think the East-West Tollway and the one the goes up North-West, you know, they're the same thing as the four lanes...the freeways, you know, and...and, frankly, Senator Fawell, that's why you don't have to worry, because downstate they build freeways and in Chicago they build expressways and in the suburbs they build tollways.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House 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 51, the Nays are 4, none voting Present. House Bill 513 having received the constitutional majority is declared passed. For what purpose Senator Vadalabene arise?

SENATOR VADALABENE:

Yes, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR VADALABENE:

A few bills ago, I requested of Senator Watson to apologize to the General Assembly. I was wrong in saying that and I want to apologize to Senator Watson; however, I do believe that we here in the Senate should stop trying to embarrass each other.

PRESIDING OFFICER: (SENATOR SAVICKAS)

House Bill 521, Senator Barkhausen. House...read...read the bill, Mr...for what purpose Senator Kustra arise? Senator Kustra, that bills on recall. That will be called at the end of the day with the rest of them. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 521.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 521 is an attempt to grant antitrust immunity to municipalities except in situations where the municipal activities are exceeding power that is granted by Illinois Statute or by the Illinois Constitution. There have been...a number of cases in recent years in which municipalities have been stung by incredibly large judgments which are beyond the power of their taxpayers

to pay, first of these was the case out of Bolder, Colorado but even closer to home, there was a situation in my district where the Village of Gray's Lake, County of Lake and other defendants jointly got stuck with the liability of some twenty million dollars and they're still wondering how they're going to pay that. So, I emphasize that even though we are attempting to...to grant immunity to municipalities by this bill, they would still be liable for antitrust violations where their activities are beyond powers that are authorized by Statute and by the Constitution, and any plaintiff wanting to proceed against a municipality would have a number of other causes of action in addition to...possible antitrust action. This...has been worked out; of course, the municipal league is in support of it. The realtors had some objections for awhile, but the amendment that we put on the bill removes their objections. So, I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

As a reminder, we are averaging ten bills an hour, that means we have another twenty-five hours to go. Is there discussion? If not, question is, shall House Bill 521 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 none, none voting Present. House Bill 521 having received the constitutional majority is declared passed. House Bill 548, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 548.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. House Bill 548 provides that after...or assessors failing to meet the statutory qualifications of...of their office shall forfeit the office they hold. Under current law, every elected or appointed township or multitownship district assessor must have successfully completed a basic course in assessment practices...qualification requirements must be fulfilled before the...expiration of the first year of the term of office. So, what this bill says that if that local assessor has not completed that course, that assessor shall forfeit the office, the office is then deemed vacant and filled as provided by law. This bill came out of committee with no opposition and I know of no opposition to it and I would ask for your consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 548 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 53, the Nays are 1, none voting Present. House Bill 548 having received the constitutional majority is declared passed. House Bill 555, Senator Joyce. Read the bill, Mr. Secretary.  
SECRETARY:

House Bill 555.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. What this bill does is increase the premium funds to the county fairs in this State. We passed out a sheet that gives every county fair, what...the first line gives what their current base is. The second column gives the highest premium awarded in '83 or

'84, and the last column gives the amount that they will be receiving because of this bill; and nearly every county in the State has gone up, some substantially, but no one goes down and that is because it is reflected in what they are paying currently in...in premium funds, so that means that they are staying the same or cutting back, and also this increases the amount of money for the building funds and various other changes. It is a net gain for county fairs. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Moultrie, Sullivan County listed on yours, starts out with eighty-three hundred and ninety-five dollars and the last column shows seventy-four hundred and forty dollars. Now, that's a decrease, so I don't see where we can tell everybody there's an increase.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Now that's...that's correct. There's not an increase, but the reason for that is that their premium funds...what they are paying out has been going down, see, so...this is reflected on what they pay in premium funds. As you may or may not know, the way that the premium...the 4-H'er or whoever receives prize money is...first of all, he pays an entry fee and then also the...then the State comes in with the Ag. Premium Fund money and the more entries they have, the more money the fair would make. So, if their entries have gone down, they're...you know, they're...they're not going to get that much more money. They're not...in fact, they won't get any more.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. That was my point. If we have...there are twenty-one here who are going to get less, according to these figures that you put out, and I hope that the explanation has been made to the county fair people. I know it has to some of them because I've been checking, but I don't know whether it has been done all over the State...it just looks like it...you say increase, but yet we see decreases in the figures, that was my concern.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HALL:

Senator Joyce, I don't see St. Clair County on here. What happened?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Do they have a county fair?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

They certainly do. They have a fairgrounds in Belleville.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

...you know, as we just talked...DuPage County is not on here either, you know, perhaps...you know, this is...this comes from the Department of Agriculture. I don't know why they're not listed if they are receiving State aid, they

probably are not receiving State aid.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey...Senator Hall.

SENATOR HALL:

Well, that...Senator Dunn and Senator Watson, you come into that area, so I think we ought to look into this. There are...three of us sitting here and if we're not getting anything, we're losing somebody around here, so we need to check that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in favor of this bill and I think it's due time that these county fairs do receive some additional dollars, and many of the fairs in my district and I'm sure in many of the rest of yours was having some financial problems and I think this will give them a little boost. I'm not sure it'll answer all the problems, but to the question that Senator Rupp asked, there...there is a...for those counties fairs that have not utilized the amount of money that's been available to them...in the past, they, of course, might possibly receive less money as far as their overall total, but for the most of them in there, they will receive more money and those...for those that have not been using their money is the only ones that might lose slightly, but for the most of them in the...in the State, it's...it's a benefit and I think there will be the same dollars...they're guaranteed that it'll be the same monies there next year that there were last year regardless of...of those numbers.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

If the sponsor would yield for a couple of questions.

Are...are we...

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates...

SENATOR SCHAPPER:

...should we on the sheet you passed out be comparing the left-hand column and the right-hand column...what is the middle column?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

The middle column is the column that they have paid in premiums, that's what they set the base from, that year in '83 and '84. Yes, you should be comparing the two outside columns.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAPPER:

Well, I know with interest that three of my four counties, Lake, McHenry and Winnebago are not on the list. I don't see Kane on the list and I...I am aware that all of those counties have county fairs and have participated in this program because they have all talked to me at one or...one point in the last few years on this very subject, and I'm...I see...I think there are several other large counties missing that have county fairs. I wouldn't get nervous but I notice you seem to have a total on the third page which makes me wonder what happened to the rest of us.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, the only thing I can tell you is maybe the counties that are not on here are the counties that are receiving the fair and exposition funds and they do not get money from the Ag. Premium Funds. They are funded in a different manner.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

That was the point that I was going to make, Mr. President, that the metropolitan fairs are not on this sheet. The other point that comes up about the authorized base...keep in mind that many of these fairs are not drawing their authorized base. So, the fact that the...what the sponsor said in his opening remarks is true that nobody is really going to get a cutback from where they are today in terms of their total funds, and for some of the fairs that are in a growth position, it'll mean substantially more. So, this is a bill without any losers and it has quite a few winners.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, that was my very point. I've tried to explain that to a number of people. You are simply losing some of the money that you qualified for. You're not losing any of the money that you've been spending, and the chances are good that if you...if you...your entries go up and...and the fair is revitalized, under this formula, you may well, in fact, get more money than you already now qualify for. Plus, there is a...over a million dollars of infusion of new money into this formula. We're all winners.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 555 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. House Bill 555 having received the constitutional majority is declared passed. House Bill 556, Senator Marovitz.

SECRETARY:

House Bill 556.

(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. House Bill 556 amends the Open Meeting Act to allow local school boards to consider in closed session the selling price of real estate. No final action can be taken in closed session, however. Under the current law, public bodies are allowed to consider the acquisition of property in closed session. House Bill 556 would seek to expand this provision of existing law to include the selling price of real estate exclusively owned by school boards. Unlike other public bodies, title to school district property is not held by the local school district itself. Title to school district property is held by the county board of school trustees. In order to sell school district property, a local school board must notify the county board of trustees of their intent to sell and then the county board of trustees proceeds under the public sale requirements outlined in the School Code. The problem is this; school board members are upset with the current provisions of the Open Meetings Act which require them to discuss in open session the conditions of the sale of school district property including the minimal acceptable selling price. Because the market for the sale of most school district property is very limited, few buyers will participate in such sales. School boards are placed at a distinct disadvantage in trying to attract fair market price for their property because of the requirement to publicly disclose their minimal acceptable selling price prior to the public sale. A potential buyer knows to the penny that the...the

minimum acceptable bid or will simply not bid until the board is forced to lower their asking price. Under the existing law, the school district loses, the taxpayer loses and the school...and the children lose, and I think this would correct that situation in schools throughout the State of Illinois. I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 556 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 54, the Nays are none, none voting Present. House Bill 556 having received the constitutional majority is declared passed. House Bill 561, Senator Joyce. Read the bill, Mr. Secretary.  
SECRETARY:

House Bill 561.

(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. House Bill 561 amends the Chicago and Municipal Employees Pension Fund. It provides for a change in the present benefit accrual rate from 1.67 to 1.80 and from 1.90 to 2.00 and from 2.10 to 2.20 and from 2.30 to 2.40 for those employees born before January 1st, 1936. It reduces the age discount for employee and spouse less than age sixty from one-half percent per month to one-quarter percent per month also for employees born before 1936. In addition, it provides a means whereby the retirement board may provide future retired employees with assistance in preservation of group coverage, any hospital care plan and medical/surgical plan. The board is authorized to make payments of up to twenty-five dollars a

month for future employees age sixty-five or over with at least fifteen years of service. Provides for a change for required Federal age discrimination and participation in disability benefits. In addition to that, there is on this bill the amendment requested by Senator Schuneman with respect to...possible conflicts with language in our Illinois Constitution and the State mandate's provision as requested by Senator Schuneman. I ask for your support of House Bill 561.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I appreciate the amendments that you put on this bill pertaining to the State Mandate's Act and also the constitutional question. Frankly, I just...now it was brought to my attention, the amendment that you put on after the bill got out of committee which does two things, as I understand it; first of all, it...it reduces the penalty for those people who want to retire before age sixty and it also raises the pension benefit for people who were born before January 1 of 1936. Do you have an actuarial valuation of the effects that these changes will have on the system, and if so, can you tell me what the unfunded accrued liability is that we're creating here?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I have a statement here which indicates that the Economical and Fiscal Commission estimates this amendment will result in an increase in accrued liability of 31.65 million, and an increase in annual cost of 6.95 million.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, thank you, very much. This amends the Chicago Municipal Employees Article and...and...that fund, I think, is pretty well funded. I think they have made their contributions. The thing we ought to be aware of is that the problem that I often refer to as creeping pensionitis, and what we mean by that is that when one system gets some benefit, then everybody else wants that benefit. Now, the bill as it came out of committee had a relatively negligible affect on the Pension Fund, only five hundred thousand dollars. Now, with the amendment that's put on on the Floor, it has a thirty-one million dollar increase in the unfunded accrued liability. I think that...the point that ought to be made here is that by changing the penalty for early retirement, we're establishing a new formula which is not in effect in any of the State systems. It's more liberal than any of the State systems, and if we do this here, then we're going to be asked to do it in other cases. Just one other point that I want to make in connection with pension bills. Yesterday, we had a lot of conversation about the amount of debt that the State has and how much the State owes in bonds. I thought it was interesting because we should all know that the debt that the State has incurred for pensions far exceeds the debt that we've incurred through the sale of bonds. Now this is not technically a State debt. This is a debt of the City of Chicago, but it is guaranteed by the State Constitution. So, we ought to be aware of what we're doing here. I think that...that the amendment is...is a pretty liberal amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yes, Senator Schuneman and other members, I...I do not in any way purport to be an authority on pension funds. It is my understanding that this pension bill has been worked out and is agreed upon between the fund, the employee group, the employer and all other concerned parties. You have indicated that the fund is a sound fund. I ask for your support of House Bill 561.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 561 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, none voting Present. House Bill 561 having received the constitutional majority is declared passed. House Bill 563, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 563.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. House Bill 563 amends the Condominium Property Act in the Code of Civil Procedure, and it...it provides that the quorum requirements for condominiums would be lessened from thirty units to twenty when the percentage of those constituting a...a quorum is...applicable. It also provides that condominium associations must maintain separate accounts for each reserve fund, and it also provides that all operating funds of the association must be managed in a single operating account; and I amended the bill to provide that if an association could not get a fidelity bond for a hundred percent of its operating costs and reserve funds, then there is a one-year grace

HB 570  
HB 567  
3rd Reading

period and they would only have to obtain a fidelity bond for coverage in the amount of two hundred and fifty thousand dollars. Some associations are have problems getting a fidelity bond for the total amount of the revenue that is in the operating and reserve fund. I don't know of any objection and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 563 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 56, the Nays none, none voting Present. House Bill 563 having received the required constitutional majority is declared passed. 567, Senator Philip. House Bills 3rd reading is House Bill 567, Mr. Secretary. Read the bill.

SECRETARY:

House Bill 567.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the...of the Senate. I would ask leave to consider House Bill 567 and 570 together. They're like matters. They happen to be Build Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, in terms of the subject matter, is...is there leave to have both 567...discussion relevant to 567 and 570 is that...leave is granted...Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We...we've discussed these bills. I think everybody

HB 570  
3rd Reading

understands these bills. I'm suggesting...they're going to end up in Conference Committee anyway. I'll be happy to answer any questions. I think we ought to get them out of here and get them in a Conference Committee and, hopefully, straighten them out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Mr. Secretary, let's read 570 also. House bills 2nd reading...understand that. All right. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I think Senator Philip's suggest to discuss them in total is a good one. I don't know that there is any opposition to the initiative to rebuild Illinois. This, 567, is a billion dollar additional bond authorization for the Housing Development Authority and 570 is the Build Illinois 1.3 billion dollar commitment. I urge an Aye vote on both bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 567 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 56, the Nays are none, none voting Present. House Bill 567 having received the required constitutional majority is declared passed. House Bill 570, Mr. Secretary, read the bill.

SECRETARY:

House Bill 570.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip. All right, the question is, shall House Bill 570 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have

743571  
3rd Reading

all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 570 having received the required constitutional majority is declared passed...all right, if we can have your attention, please. We have some special guests with us today. Senator Karpiel wishes to introduce us her guests. Senator Karpiel.

SENATOR KARPIEL:

Thank you, ladies and gentlemen. I would like to introduce to you the St. Charles High School swim team. We've had a lot of basketball players up here and we've had baseball players and girls baseball players. The St. Charles swim team has captured the State Championship in 1979, '80, '82, '83, '84 and again this year in '85, and I thought it was about time we honored the St. Charles swim team who has done such a great job. I'd like to introduce to you Dave Barth, the head coach, right,...Dave Barth, the head coach who will introduce to you the members of the team and the other coaches, and I'd like for you to give them a very nice welcome.

COACH DAVE BARTH:

(Introductions made by Coach Dave Barth)

SENATOR KARPIEL:

I thank them for coming today and I thank you for...for welcoming them. The all live in Representative Don Hensel's and my district and we have gotten a Senate joint resolution for them which I will distribute to them and I won't take the time of the Senate to read it to you but it does honor this tremendous swim team that has won the State championship in the last six...right...six years since 1979, they only missed 1981. I think they've done a great job. Thank you, very much.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right, on the Order of House Bills 3rd Reading is

House Bill 571, Senator Hall. Mr. Secretary, read the bill.

SECRETARY:

House Bill 571.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Present law gives boards of...review broad authority to assess property not assessed by assessors, equalized assessment, correct omissions and other errors made in original assessments and its most important task, conduct hearings with regards to complaints and objections and to issue orders sustaining increasing or reducing assessments pursuant to such complaint. Now, the heavy load work occurs immediately following the publication and what happened in our county, St. Clair County, there was a special circumstances for a variety of reasons, they had failed to undertake quadrennial assessments and such was the case in that county where reassessment took place in 1984, the first in forty years. Thirty-five thousand complaints had been brought before the St. Clair County Board of Review. In order for these people to have a hearing, the board of assessors used some of their employees to take down the complaints and listen to the hearings. Of course, the board which only comprises of three people made the final determination after they got the report. The Revenue Committee, in their wisdom, said that it was not right for members of the assessor's board to do this and they put an amendment on this bill that says, "Provides that no person who is a member of the board of assessors or assesses or supervisor of assessment or an...employee thereof may serve as a hearing officer." As the results of that, that we now have this bill before you

and certainly, I'm sure that we won't wait another forty years. And for that reason, I would like to ask for favorable support of this...of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is, shall House Bill 571 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. House Bill 571 having received the required constitutional majority is declared passed. Page 6. 574, Senator Netsch. House bills 3rd reading is House Bill 574, Mr. Secretary, read the bill.

SECRETARY:

House Bill 574.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 574 is the partial public financing of gubernatorial campaigns and of lieutenant gubernatorial campaigns. It is in its present form identical to the version...the Senate version that we saw earlier in the Session that was called, unfortunately, at a late hour on the last day and, therefore, lacked quite the number of votes required for passage. We have seen this general idea before. Let me just make a couple of points about what is here. The first is that it is a checkoff to produce the money for the matching funds, but we have removed the section that provides for the transfer of general revenue funds into the gubernatorial campaign fund if the checkoffs do not produce enough. In other words, only those people who are willingly participating by voluntarily checking off will,

in effect, be helping to fund the public matching funds. Secondly, the bill does include limitations on the amount that can be contributed by both individuals, unions, corporations and PACS to candidates for Governor and Lieutenant Governor, and equally important, it includes...limitations on the amount that can be spent, and this is the only version in...under which you can limit the amount to be spent on campaigns. I don't, for one, believe that politicians and candidates are "bought" but a lot of people do. There is no question that this bill will help in that respect. There is no question that it will help in terms of not putting our candidates for the highest office in the State to the burden of having to spend all of their time raising campaign funds and turning often to special interests. And finally, I think that this is the only thing that can help put some limit on the amount that is spent on campaigns. It is an important concept. It is one that should be supported by all of us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Philip.

END OF REEL

REEL #3

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is, quite frankly, the worst election bill that we've seen this Session...basically, it has two problems, it encourages unqualified people to run for public office. I can't remember the time in Illinois we didn't have enough candidates. Secondly, it takes money away from needed services, from education, mental health. It's a bad idea and we ought to defeat it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise, as Senator Philip did, to strongly oppose this bill. I think that first of all there...our checkoff system is becoming so cluttered on the forms that it will not be sufficient, it is not realistic to expect that we will have enough money to generate monies for the kinds of campaigns that we are discussing, and to go further than that, why just the Governor? Why just the Executive Office? If this is good enough for the Executive Office, then why not have it for everyone? And, this, of course, would be a total disaster. I think that...that we can expect if this...if...if this bill were to pass, that it would go on further and further and further encompassing our own elections eventually, and I simply do not believe in the principle of public financing of political campaigns.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR MACDONALD:

I urge your defeat of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I had one time thought that a bill like this would have some good place in our society,...but the more I thought about, the less I thought it would be a good thing. First of all, if anyone wants to run for Governor, let them try and get their own contributions, we all have to do that. I don't think that this is the right avenue. I...I don't see what you're going to gain by saying, well, we can limit the contributions, 'cause everyone is going to find a different way of getting the contributions to the candidate no matter how you try. It's done federally, it's done Statewide, it's done countywide and any other way you can mention. I think that, again, we're going too far in trying to be do-gooders and not getting anything done good at all; therefore, I oppose this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in strong support of House Bill 574. First of all, we have seen that it works at the Federal level and the response to the previous...speaker, the question was, why don't we start with other offices...other Executive Branch offices. And those of us who have worked on this project for several years have considered it, but we felt that in order to start with a single first step, this is the office that it ought to be addressed to. It is the most highly visible office in the State, and I think that generally speaking, when our electorate looks at the kind of money that has to be raised...for example, in the last gubernatorial election, we're talking about five, six million dollars plus for each

of those candidates. That's an astronomical number. I think it takes the most important office of this State outside of the realm of possibility for even the most legitimate of candidates, and many of our electorate feel that only the big fat cats are the ones that have access and this will make the playing field more level for all types of candidates. It won't allow kook candidates because there is levels that must be met of broad based, meaningful support before you can even plug in to the public part of this financing campaign, such as being able to raise over a hundred thousand dollars in contributions of amounts of less than five hundred dollars apiece. The...the limits on the campaigns are legitimate and proper, they've been tested; and I think that again from a point of view of the voters of the State of Illinois, this bill is an important step forward to get the gubernatorial campaigns down to a level that they will support, understand and will take away the stigma of only the big contributors controlling the candidates. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I think two points ought to be made. One is that the cost of elections particularly for high public office, frankly, are out of sight, and it seems to me the attempt to impose some reasonable...as in this bill, million dollar limits is not unreasonable. Secondly, it applies, at the moment, as amended to the 1990 Gubernatorial effort and I would suggest that we all keep a look...keep an eye out on the '86 effort, because whoever the candidates of our respective political parties it, will be a multimillion dollar effort, and...by having this in place I think we can say, well, we understood it was going to be this way but we want to change it. Secondly, the bill has been amended, there's

no dependence on or any impact on the General Revenue Fund. We are saying, we will set up a Gubernatorial Election Fund and with the checkoff system in place, we'll have four or five years of checkoff, we'll have a sufficient fund built up. The imposition of rational spending limits bothers me, but on the other hand, having been involved in a million dollar effort, believe me, everybody should vote for this. This is a good bill and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? The lights just keep going on. Senator Collins.

SENATOR COLLINS:

Thank you. I think everything has been said by Senator Berman and Senator Rock, so I would just say that I...I support House Bill 579 and I would...you know, hope that all of you see the wisdom of...of doing this, because you know certainly...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Collins, we're on 574, not 579.

SENATOR COLLINS:

574, and, I, too, would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. There's no question that this bill is well intended and has some good points, but I don't believe we are going about it the right way. If there is a growing concern for the domination of politics by some special interest groups, then we have to deal with that issue and it can be dealt with rather simply. Senator Netsch, I told you several years ago, if you would put in a bill that would limit the amount of campaign by capping contributions from whomsoever...whomsoever including the candidate him or herself that I would gladly support it. But I don't think we

ought to be funding campaigns for office with money, even though donated, through public...through a public method. Limit the amount of special interest group money or anybody, fine, and that will answer the question, but to do it this way is just too much of a meat axe approach.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you. Senator DeAngelis, constitutionally, you cannot limit the amount that the people spend on their own campaigns except in the context of public financing. You cannot limit the amount that can be spent totally on a campaign except in the context of public financing, that is what the Supreme Court has held and that is why it invalidated parts of the Federal election campaign law. That is one reason why this is really the only avenue that anyone has been able to suggest that will allow us to help both the candidates and the public from this terrible dependence on huge amounts of money that must be raised often from the so-called special interest, but in any event, we cannot control these...exorbitant expenditures except in this context of public financing. That is why I strongly solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 574 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 31, the Nays are 26, 1 voting Present. House Bill 574 having received the required constitutional majority is declared passed. Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

H. B. 580  
3rd reading

Request a verification, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver has requested a verification. Will all members be in their seats. The Secretary will call the affirmative roll call.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver, do you question the presence of any member who voted in the affirmative?

SENATOR WEAVER:

Senator Dawson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Dawson on the floor? Is Senator Dawson on the floor? Strike his name. Senator Weaver, do you question anyone else? All right. Senator...on a verified roll...Senator Weaver,...do you question anyone else? All right. On a verified roll call, the Ayes are 30, the Nays are 26, 1 voting Present and House Bill 574 having received the required constitutional majority is declared passed. Senator Netsch moves to reconsider the vote by which House Bill 574 was passed. Senator Marovitz moves to Table. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion is Tabled. 580, Senator Carroll. All right. House bills 3rd reading is House Bill 580, Mr. Secretary, read the bill, please.

SECRETARY:

House Bill 580.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill deals with wholesale and is the Act that would say that those people...how do you like that...this is wholesale, okay...and that those who sell in that vein are...are entitled to some types of protection. What basically happens is many are absent contract as manufacturers representatives, many are with contract. In either instance, manufacturers after sales have been had will terminate contracts without payment of the commissions due and owing. This bill would provide that custom and usage would determine when commissions are due and owing if there is no written agreement, but that after, in fact, there has been termination that the commissions be paid and puts forth a penalty of treble damages if there had been a vexatious refusal to pay the commission after it was due and owing. It does not impact when it's due and owing, merely says that after that fact, it must be paid. What happens in a practical matter is many of these manufacturers reps. are absent contract and the manufacturers will terminate the agreement, the verbal agreement and then refuse to pay commissions that were earned and then require lengthy and expensive litigation in trying to discourage the commission agent from pursuing his lawful remedy. The hope of this is not to, in fact, get the treble damages but to get payment in a timely manner, and I would ask for a favorable roll call and attempt to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. What is being sought

here is a change or the intervention of the State into an argument between...commission merchants and their principals. Now, if we're going to get into the business of doing this, the State can insert itself into a...a whole lot of arguments between associates in the business community. According to a...a letter that I received this last week, the proponents of this legislation have tried repeatedly without success to get this same kind of legislation passed by the United States Congress and have been unable to do so. It appears that...that the bill, as I remember the way it's drafted and the sponsor can correct me, but I...I think the...the bill does not speak to this particular industry, that is, to the industry of apparel manufacturers and their commission agents. The bill changes...simply changes State law but the complaints are coming from the apparel merchants, and I think that this has us interject ourselves into an argument between two parties that we already have the mechanism to solve those arguments and that we shouldn't do this. This simply increases the...the amount that can be claimed to three times the damages, and I think what it does is simply make it attractive to some New York lawyer to file suit on behalf of some commission merchant in Illinois that is dissatisfied with the way he's being treated. I think this is a bad concept, I think we're starting something we shouldn't be involved in and I would urge defeat of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Carroll may close.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to answer some of the questions raised, this is, in fact, is the law in eight other states. It, in fact, only applies to those who are sales representatives who solicit wholesale orders totally at the expense of the sales

representative, and what it does do is not put government into the business but rather says that absent a written agreement, if a person here in Illinois is being harmed by an in- or out-of-state manufacturer and, therefore, not getting the compensation to which that person was entitled, that it puts a penalty available in a court action. The intent is to truly afford the representative the payment that he is due for a sale, in fact, made and the commission, in fact, earned and, hopefully, will stop these manufacturers from disregarding those own...owed amounts of money and requiring extensive litigation and say if the guy sold the goods, pay him; if you've delivered and you've been paid as a manufacturer, pay the representative who caused the sale to happen. Don't terminate the contract and try and hold back a commission that was due and owing, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 590 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 39, the Nays are 19, none voting Present. House Bill 580 having received the required constitutional majority is declared passed. 598, Senator Bloom...605, Senator Fawell. House bills 3rd reading is House Bill 605, Mr. Secretary, read the bill.

SECRETARY:

House Bill 605.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. There are really two parts to this

bill, the first one is just...requires the State Board of Education to inform the school boards and superintendents on the way they might be able to create a tax exempt foundation to receive gifts for the benefit of the local school districts. And the second part is an amendment that was offered relating to the school district boundary changes. If a school board petitions the regional board of school...trustees for a school district boundary change, the regional board of school trustees must hold a hearing on the petition and render a decision within sixty days of the petition. If the trustees grant the petition and a resident of the affected districts objects, the resident may take his case to the circuit court. Any tax money received during the court case is held in an escrow and I would ask your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Kustra.

SENATOR KUSTRA:

Senator Fawell, have you read this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Fawell.

SENATOR FAWELL:

Yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 605 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. House Bill 605 having received the required constitutional majority is

declared passed. 608, Senator Lechowicz. House bills 3rd reading is House Bill 608, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 608.

(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...House Bill 608 authorizes the director of the Department of Mental Health...Developmental Disabilities and Central Management Services to convey certain land to the City of Chicago school system 508. Basically, what it is...in 1978, Senator Egan, Representative Capparelli, Representative McCullough and Representative Roman Kosinski sat down and...with the Governor's Office...and myself sat down with the Governor's Office in trying to achieve a certain parcel of land which is...located between Irving Park and Montrose and from Naraganza to Oak Park known as the Dunning property, or presently as the Chicago Reed Zone property to be conveyed to the junior college board from the State of Illinois. In 1978, the Governor's Office made a survey of all State land in this State and...to see for what purposes it could be used for. Unfortunately, the Dunning property was no longer being used for a mental health facility, and the Chicago Reed Zone Center was curtailed in its type of services that were being offered, and as of this date, no patients are being treated in that facility where this property is located. There are some people being treated on the other side of Oak Park and that facility is not being transferred into this bill. Basically, it transfers thirty-three acres to the City College of Chicago for the purpose of a new Wright Junior College Center. This bill came out of

committee 19 to nothing and, basically, that's exactly what this bill does and I ask for your full support.

PRESIDENT:

Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

On this...on our analysis,...it says, "This thirty acre transaction is only part of surplus land. The thirty-acre tract is worth about five and a half million and it is being...conveyed for nothing, but the college gives up the right to the State aid for building the college which is seventy-five percent of the cost, and...and will be estimated to be twenty-eight to forty million dollars" for...so for five and a half million dollars piece of property, you're giving up twenty-one to thirty million dollars and then the question is why?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, basically, your assumption is correct that the property is worth approximately five and a half million dollars for the thirty-three acres. It's really five million seven hundred and seventy-five thousand, it's appraised at a hundred and seventy-five thousand an acre, and basically that's the agreement that was reached between the Governor's Office and the City of Chicago College Board that they would give up their CDB money for this new facility. It's the only large tract of land that's available for this new facility as far as for Wright Junior College. The City of Chicago College Board system will finance it through the building commission and that's why they have written off that portion

from CDB.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. I just wish to voice my support for this legislation.

PRESIDENT:

The question is, shall House Bill 608 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 608 having received the required constitutional majority declared passed. 615, Senator Maitland. On the Order of House Bills 3rd Reading, House Bill 615. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 615.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 615 would allow the Attorney General to initiate a criminal prosecution for violation of the Election Code, when the state's attorney has refused a request of...of the Attorney General to do so. I would be happy to respond to any questions anyone might have.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 615 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted

who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 615 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading, House Bill 618. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 618.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you. The bill does exactly what the Calendar says it does. We passed my bill doing the same thing over to the House. This is Representative Davis' bill coming the other way, no pride in authorship. I think we put them both on the Governor's Desk and I'm sure he'll sign Representative Davis', but that's fine with me, no pride in authorship. If you have any questions, there's no...there's no...no amendments on this, so would move...if you have any questions, I'll be happy to answer them, otherwise, ask for a favorable roll call.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 618 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. House Bill 618 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 623. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 623.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 623 amends the judges' article of the Pension Code to...to allow Supreme Court and appellate court clerks to participate in the judges' retirement system. They must have ten years of service to become eligible. This bill would affect a small number of individuals and, therefore, would have little fiscal impact, and it passed out of the committee by a vote of 9 to 2, and I would appreciate a favorable vote.

PRESIDENT:

Any discussion? Senator Keats. If not, the question is, shall House Bill 623 pass. Those in favor will vote Aye. Those opposed will vote Nye. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 17 Nays, 1 voting Present. House Bill 623 having received the required constitutional majority is declared passed. 626, Senator Fawell. On the Order of House Bills 3rd Reading is House Bill 626. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 626.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Fawell, you don't wish that called?

SENATOR FAWELL:

Just take it out of the record, please.

PRESIDENT:

Take it out of the record, Mr. Secretary. 627, Senator Lemke. On the Order of House Bills 3rd Reading is House Bill

627. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 627.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this does is amends the Criminal Code in regards to harboring a...runaway. A person who knowingly gives shelter to an...unemancipated minor without notifying local law enforcement authorities commits the newly created offense of harboring a runaway. Exempts agencies and associations that provide crisis intervention services as defined in the Juvenile Court Act, and with our amendment, we also exempt grandparents. I ask for its adoption.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House 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, there are 56 Ayes, no Nays, none voting Present. House Bill 627 having received the required constitutional majority is declared passed. On the Order of House Bill 3rd Reading, bottom of page 6, twenty more pages to go, is House Bill 631. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 631.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 631 is the same as Senate Bill 739 which passed out of this Chamber earlier this Session. It amends the Sanitary District Act. Does three things; expands the definition of construction to include floor control facilities, restores the construction working cash fund with a levy and authorizes a one-half cent annual levy to maintain that fund. This will allow the sanitary district to use bonds in lieu of tax anticipation notes and to gain a result in savings. As you will recall, the corporate working cash fund was authorized by this General Assembly several years ago. Bonds issued in '82 for a ten-year period will result in a thirty-three and a half million dollar savings to the taxpayers. For those few members who voted against this bill when it was a Senate bill, 739, the Taxpayers' Federation has removed their objection. Be happy to answer any questions.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 631 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 4 Nays, 2 voting Present. House Bill 631 having received the required constitutional majority is declared passed. Top of page 6, on the Order of House Bills 3rd Reading is House Bill 598. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 598.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. I apologize for going out of

HB 636  
3rd reading

order, I was called off the Floor. As you know, this...this bill basically empowers private universities to maintain campus police, the same as public universities. It also has an amendment to take care of the University of Chicago, and I'll answer any questions, otherwise, seek a favorable roll call...

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 598 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 598 having received the required constitutional majority is declared passed. Top of page 7, House Bill 636, on the Order of House Bills 3rd Reading. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 636.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio... (Machine cutoff)... at Senator Savickas' desk.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 636 is not without its means of controversy this morning. I am told that there is still some questions that are being raised by the...the City of Chicago relevant to...to 636. This bill is a bill that would provide for the enforcement of health and safety standards in the public...sector work place. Last year this General Assembly passed and sent to the House...the House sent to us, we passed, sent it back and...and it died in a Conference Committee, and what it would do is that it would implement

the...in Illinois the health and safety program to be administered by the Department of Labor for public employees. The General Assembly last year...appropriated nine hundred thousand dollars to implement this legislation, and although the substantive bill, as I indicated, had died in the...in the Conference Committee, the union had argued that because of the old law was still on the books that the Department of Labor should implement the plan, because the money had been appropriated for that purpose. And as of this date, there's been no action at all that's been taken relevant to this legislation by the Department of Labor which has prompted the respective labor organizations to introduce this bill to see if we can't get something moving. I would move for the adoption of House Bill 36.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. On this bill, I...I would like to rise in opposition. If you look in committee, it came out of committee with significant opposition...had significant opposition in the House. We have defeated similar proposals in the past, the one last time died in the Conference Committee. What it really does is it creates an Illinois OSHA. Now when the Federal law was expanded, we did away with our Illinois OSHA. There was some argument at the time whether the Federal would cover governmental units, it did not and so this is an attempt to bring it back. What you have to remember is tricky here at the State level, you can have the Department of Labor make an inspection saying that XY and Z has to be done, and with no authorization or appropriation from us, we're suddenly stuck in the point of saying, we have to do something. We are the employer, we set the standards, we, the Legislature, set these standards every year. We deal with these issues every single year. If there's a complaint,

the point is, the employees have a...have the right to come to their employer and the employer happens to be us. The point is, do we want to delegate this responsibility to the Executive Branch when in reality we are the ones who are paid to...make these decisions as a constitutional issue, and the point is, do you feel that you don't particularly want to do your job? In that case, the bill is probably a good idea. If you feel as the Constitution would say that we are the...the last one to decide on what should happen with appropriations and State employees, well, in that case, you would oppose this bill. I would hope you would oppose it because it could be a significant cost for the State and would be, in our case, abrogating our responsibilities as the employer of all State employees.

PRESIDENT:

Further discussion? Senator Chew.

SENATOR CHEW:

Thanks, Mr. President. I talked to the sponsor on this yesterday and he informed me that he was waiting on an agreement where everybody would be satisfied...subsequently learn that the agreement did not come. I, frankly, felt that the sponsor would not call the bill inasmuch as the...the agreement did not come satisfactorily, and having worked with my co-worker over here, think it does, in fact, place us in a pretty awkward position. Not only is the State Executive Branch against this kind of legislation but the citizens throughout...State of Illinois are also against it. It will be a tremendous cost and I would ask the sponsor if he would just forget about calling this bill and take it out of the record; and if he insists on the bill, I would ask that the members of this Senate would vote against it, because if it is some special legislation for a particular agency or agencies or unions or what have you, it is nothing to compare with the damage it would do to the State of Illinois and to

the cities within the State of Illinois, and I would ask for a No vote if he persists on...on calling this bill. Thank you, Mr. President.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. A couple of questions of the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator Demuzio, to whom does this apply?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

It would apply to all public employees.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Local, township, county, State...

PRESIDENT:

Senator...

SENATOR DeANGELIS:

...all public employees.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Yes.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

What has the Supreme Court ruled in the past regarding OSHA type systems for public bodies?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Senator, I'm not sure, perhaps, you'll enlighten me.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

I would be delighted to, sir. They...they have ruled against it. Another question, do we currently have any safety laws in the State of Illinois?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

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

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Do we currently have any safety and health laws in the State of Illinois regarding public employees?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, yes, there is an Act, but I think it's probably been...mismanaged as...as much as anything around here. As a matter of fact, it seems to me that since we had already appropriated money this past year for...in the old General Assembly, that this simply would put some teeth into the Act that we already have.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Demuzio, if it's mismanaged by the State, what makes you think that passing another bill is going to make it any better managed?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, I think that by virtue of passage of this bill that there would be some clear legislative intent and, therefore, it seems to me that that would help to establish the goals and the objectives by which the plan can be significantly implemented.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I...I think if you read the current laws, there is some very, very clear legislative intent, but let me just address myself to the bill. I had the benefit of operating under OSHA for eighteen years and let me just tell you how it operates in the...private sector and some of the things you might find out. What it allows, any employee to remain anonymous to file a complaint and force an inspection without loss of pay upon the employer for whatever reason they want. Now, it's bad enough in industry that you can be harassed in that way, and I have to say in some instances there were some valid complaints, but when you're talking about a system that has hundreds of thousands of people in it, you know, the best way to get even with your boss when your boss says something you don't like is to simply file a complaint and force the loss of time, the loss of work. If the laws that we currently have are not being administered properly, I think we ought to work toward administering those laws rather than creating an instrument by which government can be brought to a standstill by an employee who isn't very happy with what's going on. So, I urge the defeat of this particular concept which the courts in their wisdom have ruled will probably not work in the public sector.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and...and members of...of the Senate. Let me say that this...this request by public employees is not, in fact, an unusual request and...because when the Federal OSHA laws came into being, the private sector was covered but...not public employees; so this bill is an attempt to provide for...coverage for public employees. However, it was my understanding, as Senator Chew said, and we worked on this bill last year, because it will, in fact, have a tremendous...fiscal impact on local units of government and also on...on the State that there would be some...some accommodations and agreement worked out to relieve the financial burden necessitated as a result of this Act, I have thought that by now that this...this whole issue would have been resolved. Like Senator Chew, I...the State...I mean, the local units of government with all of the other financial burdens and probably some of the other things that we are talking about passing down here this year, and with the lack of and the shortage of Federal dollars coming to local units of government, I just think that it's...it would put an undue hardship on them at this time in order to act this piece of...enact this piece of legislation, and for that reason, I am most certainly not against what they're trying to do. It...it is their right to have the same coverage as those persons in the private sector, but it's just not the appropriate time to do it, and for that reason, I'm voting Present.

PRESIDENT:

...I beg your pardon. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I echo the comments of Senator Collins, particularly in local governments that...revenue sharing is going to be cut. When

that's cut, they're going to have much less to come...money coming in. In addition, we are...complaining about the economy, we're trying to get it to go up instead of down and we cannot afford all the loss of dollars for a program of this nature at this time and I speak against it.

PRESIDENT:

Further discussion? Further discussion? Senator Demuzio may close.

SENATOR DEMUZZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me just say that I am surprised and appalled of the comments that I've heard on this side of the aisle. When it comes to talking about the health and safety of the...of workers, they've always been in the forefront. Senator Collins, you're chairman of the...of the committee here in the...in the Illinois Senate, and I'm surprised to hear of your opposition to this bill. Let me suggest to you in the State of Illinois and I think government statistics have...have shown that two and a half times the government workers are likely to be injured on the job as are the...in private...in the private sector. It seems to me that in the State of Illinois that this is a very important law and certainly needs to be given our most serious consideration this morning. This bill is to correct the inequities and to provide for health and safety protection for public employees by implementing our existing Illinois Health and Safety Act, and I would ask from the members of this side of the aisle to vote in the affirmative on this bill.

PRESIDENT:

The question is, shall House Bill 636 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 24 Ayes, 31 Nays, 1 voting Present.

House Bill 636 having failed to receive the required constitutional majority is declared lost. 650, Senator Barkhausen. On the Order of House Bills 3rd Reading is House Bill 650. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 650.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 650 is an effort for the first time to require disclosure and a certain degree of regulation and a right to rescind within three days for those who purchase an interest in real estate time sharing project. This legislation has been in the works for several years and this...it represents now a compromise between the industry, between the real estate division of the Department of Registration and Education and between the Illinois Association of Realtors. So, at this point, I know of no opposition and would urge an favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 650 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 650 having received the required constitutional majority is declared passed. Senator Berman. On the Order of House Bills 3rd Reading is House Bill 682. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 682.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill would authorize the registration of respiratory care personnel. This...reason for this bill is because in the past decade or two has been the significant growth of persons that are required to address the needs that have been developing as to pulmonary and associated types of diseases. These are the people that give us the oxygen and the other types of pulmonary care, respiratory care that we have come...to become too familiar with in the past few years. This bill requires that there be training courses, a...a qualification system as to testing so that the people that are providing this type of respiratory care are qualified. This is the only allied...health care profession involved in lifesaving and life sustaining measures that is now...not now licensed by the State. I think for the protection of the public, for the preservation of a quality system of health care, I solicit your Aye vote and be glad to respond to any questions.

PRESIDENT:

Any discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President, I rise in support of this bill. This is a sensitive area of health care and I do think that it's quite proper, in fact, it's almost required that we license and regulate these folks that are involved in this work. I ask for an affirmative vote.

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, if I might ask a question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates he'll yield, Senator Topinka.

SENATOR TOPINKA:

Are respiratory care therapists now registered on a national basis?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

They have a national association and a State association, that's the extent of what their involvement or registration is.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Is that a yes or no?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Well, there's a national registry but it's not a regulatory body.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

I...I'm not sure but I think I recall in committee that there was some concern that this might be duplicative of a national registration, and considering that doctors and nurses would also be doing the same function that they conceivably could be registered over again, too; thus, maybe necessitating two or three certificates of registration, is that true?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

I...I think you're mixing apples and oranges. There is a national voluntary credentialing...credentialing mechanism. But...that, again, is a voluntary system. This is...this is to impose standards, safeguards, punitive action that can be followed in the event of lack of standards by the persons who provide respiratory care.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

One more question. Why would the Illinois Hospital Association and the Illinois Nurses' Association be opposed to your bill?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

I've been asking them the same question for several weeks. I think a fair answer is...and I...I defer to anyone who wants to speak for them. I am...I'm on the other side of this. The nurses perceive that this licensure would infringe upon their duties. I think it's fair to say that in committee we had testimony that bore out that this will not, and I underline the word not, change the responsibility of nurses, infringe upon their obligations and responsibilities, will not expand the responsibilities of the respiratory therapist at all. In fact, if you look in the bill, the duties of the respiratory therapists must be determined upon proper direction of the physician, that is the person that controls the respiratory therapists. In the present system that's the same way, that's why the medical society supports this bill and that's why I don't see that there's any infringement on the...part of the nurses.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I have a letter here to me from the Illinois Nurses' Association which tells me that already respiratory therapists are...are tested and certified or registered through a national accreditation program which is more stringent...than the bill outlined here. I do think that we're going a little bit too far. We're...I think we are interfering with the registered nurses' duties here. I also feel that the licensure of respiratory therapists would serve to further fragment patient care, because the registered nurse is already responsible for total patient care and the respiratory therapist is only for the respiratory system; and there is a potential health care cost...escalation, infringement on patient care procedures...routinely and capably performed by nurses and a...a lack of demonstration that licensures...licensure under this bill would dictate quality. I think we're going a little bit too far. I do feel we are infringing upon our registered nurses because they do a lot of those duties and I...I don't see the need for another registration effort here. I speak against the bill.

PRESIDENT:

Further discussion? We have six more members who have indicated they wish to speak on this bill. Senator Macdonald.

SENATOR MACDONALD:

Thank you. I am a cosponsor...hyphenated cosponsor of this bill and I rise in complete support for its passage. And I would only like to say to those people who are concerned...about the physician instructing, even in hospitals, how necessary this is and how necessary respiratory therapists are. I have a brother who died a couple of years ago who was on a respirator for three years. His throat was severely injured, he had to have a permanent trach. put in,

and also his...his esophagus was punctured. Now this was while he was in a hospital and it was not...by the fault of a respiratory therapist. And I only say to you, for those people who are suffering and who really do need the help of respiratory therapists and adequate instruction by physicians on how to suction properly when those people need that kind of therapy, it is extremely important that we have this kind of bill and I urge your support for its passage.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. With some reluctance I rise in opposition to this and...and then let me just tell you why. It's...this year licensure is the first step, and then one of the reasons we have a Sunset Act is to try and...try and stop this kind of thing. The second step then is to have them written into the Insurance Code, so if you offer health insurance, then you have to include the services of whatever, in this case it'd be respiratory therapists. That just makes your health bills go up. They're credentialed and to a degree, to pass this bill is credentialing run amok, and I...I really...I really believe that it's not good policy and the long-run effect is to drive up our health care costs. And we ought to reject this and other such licensure bills out of hand. Thank you.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I think the assembly ought to know, we have over two hundred, mostly children, right now in our intensive care units that are costing us between thirty-five and fifty-five thousand dollars per month, that's per month...there are two children, I understand, here in Springfield that have been on respirators since they have been

born, they are now seven years old. If we are ever to get those children out of the intensive care units and into a more appropriate setting, we had better be able to guarantee that the parents know we're not going to take those children off those...away from that intensive care unit without safeguarding their lives. In the long-run this bill should save the State money. And...and I seriously think that every one of us ought to be voting yes for this.

PRESIDENT:

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

SENATOR BERMAN:

Thank you. I think this is the only area of health care which deals with life sustaining and lifesaving measures that isn't regulated by the State. The representations as to a national association, that's like saying that we ought to abolish the Medical Practice Act because a doctor belongs to the AMA. There is no regulation by the national association. We want to upgrade the care, we want to make sure that the people that come into our homes to provide respiratory care, lifesaving, life protecting respiratory care are qualified and that there is State regulation of them. I urge an Aye vote.

PRESIDENT:

Question is, shall House Bill 692 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 25 Ayes and 23 Nays...none voting Present. House Bill 692 having failed to receive the required constitutional majority is declared lost. 691, Senator Carroll. On the Order of House Bills 3rd Reading is House Bill 691. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 691.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Well, the last bill that I handled may have been considered wholesale, this one is retail and what it says is where the State Department of Corrections does not, in fact, take people who have been convicted and sentenced and mittimus'd to the Department of Corrections for that term of time that they are residing in the county jail awaiting for the State to say, send them to us, and the State is the one who imposes that restriction of when they will receive the client, the...the convicted felon who has already been sentenced to the State institution. So during that period that they've said to the county, you hold them until we are ready to process them in the State facility, that during that interim, the State then pay the thirty dollar a day charge back to the county for the term of time that the county is acting as if it were the Department of Corrections of the State of Illinois. This would only apply where there has been a sentencing to the Department of Corrections and then the length of stay is up to the department. If they will take these State...these already convicted and sentenced felons as they should and process them, there is absolutely no payment to the county, but when they say to the counties, hold them for a week or ten days, then the county should be reimbursed for, in fact, at that point handling a State prisoner. There is a thirty dollar a day cap and there is a limitation on the number of days, so that while the County of Cook, from which I'm from, would have a significantly greater reimbursement than this bill would allow, this bill would cap

that recovery, it would allow the other counties also to be reimbursed when, in fact, they have no choice but to keep these inmates until the State says, ship them to us. So I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Carroll, I appreciate the intent of the bill. I...I wonder though, whether you have an estimate of its possible cost?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Yes, as I recall it, it's about a million and a half dollars, I believe. There is a limitation of thirty-five thousand days per county that obviously only impacts the County of Cook, but the County of Cook would be at a much higher number of days than that. And, then, it would apply to each of the other counties...do we have a dollar figure? Okay. A million fifty thousand per county is the cap total, but I thought the totality of it was under two million, as I recall it, based on the Department of Corrections' figures. I'm not sure of that though, Senator, I'll try and find you an answer.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, I haven't seen the...the bill before our discussion...about it here but according to our analysis, the Department of Corrections estimates a minimum cost of 3.1

million dollars. So in voting on the bill, I think we ought to at least be mindful of that.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you,...thank you, Mr. President. On...on that same point, we have...based on Fiscal Year '84 figures, total number days with that thirty-five thousand cap would be around a hundred and five thousand days, a little over that, and times thirty, comes up with a three million one hundred and fifty thousand four hundred and twenty dollars as a fiscal impact in regard to this legislation; and I understand, Senator Carroll, that there is in a bill...an appropriation bill already in for three million dollars. So...I...your remark in regard to the...the fiscal impact of this, I think was...was erroneous. I'd like to ask the sponsor some questions if I could also.

PRESIDENT:

Sponsor indicates he'll yield, Senator Watson.

SENATOR WATSON:

It...is this in the Governor's budget, if it's going to be a three million dollar hit? Is it going to be in the Governor's budget?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

It'll be in the one that gets to his desk.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Maybe so. Why is it that...let...let me just...let's have a scenario here. The sentence is given and where is it statutorily or where do we say that the county government has to contact the State and pick that prisoner up? Is there

anywhere where we are requiring the counties to contact the State?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

No, in fact, what happens is the opposite, Senator Watson, as I've been advised, and that is that the Department of Corrections tells the county what day to ship the prisoner to the...one of the four receiving stations that the Department of Corrections has created, and they have said that they will only take them on certain days; for example, in the County of Cook, it's my understanding that it's on the last day of the week is the only day that they will accept prisoners from Cook. There was some testimony, I thought, that in DuPage it was like after a ten-day hold in the county jail that they will accept the prisoner, but they determine...the...the problem is the Department of Corrections determines when they will accept the prisoner and it forces the county to spend money on keeping a State prisoner.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, I don't think that's quite the facts and I would like to read from a position paper of the Department of Corrections concerning the availability of these reception centers. Let me just read you this, "Persons committed to the Department of Corrections will be accepted at one of four reception centers, Joliet, Graham and Menard for male prisoners and Dwight for female prisoners, Monday through Friday, except holidays, 8:00 a.m. to 4:00 p.m. Additionally, if there are special circumstances involved, arrangements can be made through the transfer coordinator's office to deliver prisoners on other days and times." So, I...I think you're quite erroneous here, Senator, in regard to the Department of

Corrections' efforts to make themselves available to the prisoners, and what...I understand why Cook County waits till the very...till Friday is so that they can get a bus load of people together. And let me just...one other point here, we pay...the State of Illinois Department of Corrections pays thirty-five cents per mile per inmate to deliver these particular prisoners to these reception centers, so the counties are being reimbursed for the transportation costs. Cook County is compensated in a different schedule, it's based on fifteen cents per inmate per mile for the first inmate and ten cents per inmate per mile for the second and five cents per mile for all the others. So the counties are being compensated for that transportation cost and what I understand is the problem is simply the fact that the counties aren't contacting the Department of Corrections. It isn't the...it isn't the responsibility of the Department of Corrections, Senator, to...to take care of this, it's the county that has to initiate it, and if the county doesn't feel free to do this, then they could keep a prisoner there for literally days and weeks at the thirty dollar a day hit, and as a result, the only way the Department of Corrections is ever going to find out about it is if...when they get the bill. I...I just think that this isn't a good idea, it may be something popular for...for us to vote for because of...we're reimbursing our counties for...for some costs here, but I also think that the...the...the Senator should know that sixty-one percent of this particular problem is derived from the County of Cook. Most counties are trying to comply with the Department of Corrections, and I don't know why that the County of Cook, it takes 6.6 days to...to notify the...the Department and get a prisoner into...into the correctional system. I think this is a bad idea. I've got some information here and I have sent around a...a memo on...on what each county is going to be reimbursed. Some

counties aren't going to get anything out of this, but Cook County certainly does and...maybe that's the initiative here and why, but I certainly would urge a No vote. Thank you.

PRESIDENT:

Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. For the edification of Doctor Watson, Cook County can produce a bus load of prisoners at any given time twenty-four hours a day, three hundred and sixty-five days a year, fifty-two weeks out of the year, year after year after year. So that's not the problem, the problem is...Senator Carroll has stated the case, it's absolutely correct, we've maintained these prisoners for a period of time...prisoners for a period of time and we're not...properly compensated for it. So, I'll have to support Senator Carroll on this issue because it's absolutely correct, but keep in mind, we can produce you some prisoners any time you want them.

PRESIDENT:

Further discussion? Further discussion? Senator Carroll may close.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Watson, it is my understanding that the State determines when the prisoners will be accepted. It is not to the financial advantage of Cook or anyone else to keep these prisoners with or without the thirty dollars a day. The thirty dollars a day does not compensate the county for that which they are spending now. This would only allow Cook County to receive about a third of that which they would be entitled to under a thirty dollar a day, the cap of thirty-five thousand days is about a third of the number of days that Cook County is now hosting State prisoners. Yes, it would in fact give Rock Island County a hundred and

sixty-four thousand dollars; Peoria County, a hundred and seventy-seven thousand; Kane, three hundred and seventy-six thousand; DuPage, seven hundred and forty-three thousand; McLean, a hundred and twenty thousand, et cetera, et cetera, et cetera. The point is, these are State prisoners at that stage of the game and the State should either take them into the system or pay for them. This comes to us from the County Sheriffs' Association, I think it's a very valid request of saying either accept the prisoners in the State system immediately, or then, if you're going to have the county house them, then pay a reasonable per diem for so doing it. I would ask for a favorable roll call.

PRESIDENT:

Question is, shall House Bill 691 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 42 Ayes, 15 Nays, none voting Present. House Bill 691 having received the required constitutional majority is declared passed. 692, Senator DeAngelis. On the Order of House Bills 3rd Reading is House Bill 692. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 692.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 692 requires the State police to patrol the entire interstate highway system within the State and not charge back any unit of local government for doing so. Be happy to answer any questions on it.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is,...the question is, shall House Bill 692 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 4 Nays, none voting Present. House Bill 692 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 694. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 694.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. As amended, House Bill 694 provides the Cook County State's Attorney be reimbursed two-thirds of the cost of appeals for various cases, the same as the other hundred and one counties in this State. It would be administered by DCCA, and as further amended by Senator Barkhausen yesterday, it grants all state's attorneys some flexibility in setting assistant's salaries. Be happy to answer any questions.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 694 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 49 Ayes, 9 Nays, none voting Present. House Bill 694 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is

House Bill 703. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 703.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. The bill authorizes counties or municipalities or municipal joint action agencies to prepare and implement solid waste management plants for solid waste generated within their borders. The problem here and the necessity for the legislation is many areas of the State are quickly reaching their disposal capacity in existing landfills. This bill is to promote the finding of places to dispose of this waste and for governments to work together. I don't really think there's any problem with the bill. I'd be happy to...answer any questions if any has, if not, a favorable roll.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS:

A question to avoid a...a conflict. If a municipality sites a landfill, can the county then put the charge on it even though the municipality has sited it within their powers under Senate Bill 172?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Section D of the...of the Act under...let's see...it's paragraph D under Section 21.2 states that a county or a municipality or municipal joint action agency pursuant to intergovernmental agreement may levy surcharges. Now, your question is, if you have a sanitary municipal landfill, can

HB 704  
3rd reading

the county put a...a...a charge on that? Is that your question?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

No...no...close but...but not quite. If a municipality sites a landfill as they have the power to do now and it's not simply their own,...it's an open landfill, okay. Can the county who had...who was not part of the siting proceedings put the...the tax on?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Admittedly, I don't think under this terminology that is perfectly clear, but for legislative intent here, I would state to you that is not the intention of this legislation.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Thank you, very much, for the clarification.

PRESIDENT:

All right. Any further discussion? Further discussion? If not, the question is, shall House Bill 703 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 56 Ayes, 1 Nay, none voting Present. House Bill 703 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 704. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 704.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. I would bring to your attention that this bill has been changed, everything after the enacting clause was deleted and it is a new criminal bill amending Chapter 38. And so that you understand what you're voting on, this is an amendment to the bail bond section which...which considerably tightens up bail bond requirements. I know we're under pressure to move along here but this is an important bill. I think you should be aware of what you're voting on. Rapidly...the whole purpose of this bill...or this amendment, I should say, to the bill is to take care of those situations where we have people that are out on bond and committing other crimes, and that's the reason we want to tighten things up. So from here on, if you violate the bail bond provisions of this Act, you are going to have to serve the sentence that is put upon you consecutively for that violation. It cannot be served concurrently with the other charge. The second thing the bill does is it requires the judge or the sheriff, depending upon when you're making your bail, to advise the defendant that if you're released on bond and you fail to appear, that the trial can proceed in your absence. Now if that's abhorrent to anyone, I would tell you that a number of years ago Judge Garippo from the Federal...from the...bench in the City of Chicago who is now privately practicing sent down here a bill which I was one of the cosponsors of, which presently allows you to try a defendant in...in its absence. So that particular part of it is not new, we have that in the law today, but what we want to do is inform defendants that if you skip out on bail, you're going to be tried even though you are not there. Another factor of this bill lays out the conditions that a judge is to...to consider when releasing a person on

bail; for example, what's that person's family ties, his employment, his financial resources, his past conduct, prior use of alias names, there's a number of things that has to be considered by the judge. Another item is when you are charged with a Class X controlled substances offense, there's a rebuttable...presumption that the money that you're putting up for bail has been the fruit of that illegal activity. Now the reason for this being in the...the proposed legislation is we have a lot of cases whereby people arrested for sale of...of controlled substances make big money as we all know, and when the judge says your bail is going to be a hundred thousand dollars, I mean, he reaches into his back pocket, takes the...the money that he has acquired by the illegal sale of those drugs and posts it for bond. So this would require him to show to the court that he's not using that kind of money to post his own bond. The bill goes on to allow for a temporary pretrial detention of...of five days on certain conditions. It allows the state's attorney to extend that another three days under certain conditions and it provides for a pretrial detention hearing, when the kidnapped...when the defendant is charged with murder or aggravated kidnap or treason or when the defendant is charged with a Class X felony and all the provisions that the judge is to consider. I think that I have basically given you most of the provisions that are in here. I'm not trying to go over any of them but this is quite an extensive amendment to the bail provisions of the Illinois Criminal Code, and I would be happy to try to answer any questions.

PRESIDENT:

All right. Discussion? Senator Barkhausen.

END OF REEL

REEL #4

SENATOR BARKHAUSEN:

Mr. President and members, I appreciate Senator Sangmeister's lengthy discussion of this bill because as he made clear, this was not something that was considered in committee in either House. It deals with a somewhat controversial subject of preventive detention which I and I'm sure many others support under certain kinds of circumstances. The problem that I see with this bill, however, is that I think it's quite clear that under our existing...under our existing Illinois Constitution, this bill I'm afraid is clearly unconstitutional. When the 1970 State Constitution was adopted, it provided that...that all offenses are bailable except so-called capital cases. The...that article was amended a few years back by referendum to add to that exception of bailable offenses life imprisonment cases where the proof is evident or the presumption great. The problem, however, here is that we are going beyond that to include other types of offenses which would potentially be those where preventive detention could be sought and obtained, and because that would not be allowed under the Illinois...the bail provisions of the Illinois Constitution, for example, such offenses spelled out in this bill as certain types of forceable felonies where life imprisonment would not apply but potentially preventive detention could be had, I am afraid that this bill is unconstitutional. Many of us are interested in the possibility of bringing about preventive detention but I think most of us have concluded that the only way to do that is to amend the Illinois Constitution. We have before us two separate proposals which would do that, Senate Joint Resolutions 22 and 38, and it is my hope that they will as soon as possible get a hearing here in the

Senate so that they might go on the ballot in the next election year. But absent an amendment to the bail provisions of our Constitution,...such as substituting the language of the U.S. Constitution merely providing that bail shall not be excessive, which would then permit us to adopt the kind of changes to our Criminal Code that they have done at the Federal level to allow for preventive detention under select circumstances, this type of legislation, I'm afraid to say, is...is going to be unconstitutional and it's going to be back before us. For that reason, I would urge opposition or at least a Present vote and I do that regrettably.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Bad Bill Sangmeister rides again. I'm telling you, when I listen to this...you know, you've been going along pretty good around here, Senator Sangmeister, and I'm reluctant to...because every time that it happens, you're lucky enough to get this out. But now it sounds good to stand up here and say that when a person comes before you, he reaches back in his hip pocket and comes out to pay a hundred thousand dollar bail for drugs and all that stuff. What about if some relative has given him some money to pay his bail, does he have to prove that the relative give it to him?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes,...that is correct, he would, Senator Hall, and...and experience shows us that in these drug related cases, it's not uncommon for the fruits of an illegal crime to be used for bail. So if he is charged with a Class X controlled substances violation, under this bill, if it becomes law, he will have to show that the hundred thousand he's coming up

with that a relative gave to him, but what's so difficult about that? You have the relative there and have him post the bond.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Another thing about these...trials that go on without him. You...you are trying to intimate that every time somebody has...doesn't show up...who happens to...put these times off? There's a lot of times their own lawyer can't...appear. The thing that happens is...I want to know this, Senator Sangmeister, who wants this bill besides Sangmeister?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

As Senator Topinka so clearly said to you or someone else here before, the people of the State of Illinois who are tired of people who violate bail provisions and commit other crimes while they're out on bail, they want it tightened up. They want offenders that have prior convictions to possibly be held under certain conditions so they're not out while they're on bail committing more crimes. That's the people that want this legislation.

PRESIDENT:

...Senator Hall.

SENATOR HALL:

Just one more thing and I'll sit down. You know, as the father and framer of all that crime X package, when you loaded up all the jails throughout this whole State, now you come back again...I'm just telling you, this is a bad bill and it should be defeated.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senator Sangmeister, I...I sympathize with what you want to do and there most certainly is a need in this State to prohibit those persons who commit hideous crimes from getting out. I think we ought to just do it straight up, just deny bails to certain type of offenses and...in no conditions, but I think Senator Barkhausen put it in perspective. I...I can't see for the life of me how this piece of legislation would in fact be constitutional. One of the things that you have done here is presume that...that the person is...is...is guilty before...ever going on trial, and I thought the basic premise to our laws that there was a presumption of innocence until such time the person was proven guilty. But if you start totally...invading that person's...all of their rights and denying them certain rights and privileges and invading their total privacy and denying them right to post bail based on the fact that they have to prove to you where the money came from or if it came from a...grandparent or...father or something long time ago, I think that's wrong, absolutely wrong. If you want to get...keep some of these people off the streets, you should just simply come straight up and say that bail will be denied of certain persons for...who commit certain crimes. I...I think it's a bad idea. This bill has not had an opportunity to have a proper hearing. It is a...it is a major revision in our...in our bail system and I think we should hold this bill until such time, that we can have better input.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Mine is a question, Senator Sangmeister, you somewhat quickly mentioned the...that it obviously concerns preventive detention. I don't think you

spelled out precisely the circumstances under which and the offenses for which the preventive detention is to be applicable, and since none of us have ever seen this bill before and I don't think it's available on our desks right now, I think it would be very helpful if you would mention that. It's a rather important concept.

PRESIDENT:

Further discussion? Senator Lechowicz...oh, I beg your pardon. Senator Sangmeister.

SENATOR SANGMEISTER:

All right. The court is to take into consideration when considering whether or not to issue bail the following things pertaining to the defendant. What is this person's family ties? Is he a drifter in the community or is he someone who has been in the community for a while and has long family ties? Is he employed or he is not employed? Does he have financial resources? What's his character and mental condition? What has been this person's past conduct over the last year? Has he been using any alias names or dates of births? How long has he resided in our community? What is his citizenship? Where is the...what was the source of the bail bonds, property or other security that he is posting? Is there...any other record of appearances at court proceedings? Has he ever tried to...has he been involved in flight to avoid arrest or prosecution? Has he ever attempted to escape or to avoid arrest or has he ever failed to appear previously at prior court proceedings? All things that I think are very legitimate for a judge to look at, if he's considering...denying bail.

PRESIDENT:

Senator Netsch. All right...we have...just for the information of the membership, we have twelve additional people who wish to be heard on this. Senator Netsch.

SENATOR NETSCH:

Sorry about that, this is...fairly important I think; as Senator Barkhausen indicated, it does involve some basic constitutional questions as well. I...I appreciate that listing, the...the other part of my question which is perhaps even more important is to what offenses does it apply? That is, when can preventive detention be invoked and I...having just been handed a copy of the amendment, I think it's for any felony if I read it correctly. Is that correct?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

That is correct.

PRESIDENT:

Senator Netsch, I'm sorry, I thought you were just...

SENATOR NETSCH:

Yeah, just a brief comment, I...

PRESIDENT:

...being expressive.

SENATOR NETSCH:

...I think, Senator Sangmeister, that's a little heavy even for you and certainly for the Constitution.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Will the sponsors yield to a question? This question is not from me but it's from Senator D'Arco. What do you mean by nationality? One...one of the elements in determining whether a person should be admitted to bail, you asked his nationality. What does that mean?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Reading from the bill...reading from the bill, it is not...it's the citizenship, whether or not he is a citizen.

We didn't say anything about nationality. Is he an alien?  
You know.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

If these are...are...we would presume that most of this is taken into consideration by judges that have bail hearings now. Now, my question is this, if there is no information available, what does the bill allow the judge to do? Must he admit them to bail or must he deny bail if there is no information on most of those items?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

It would be in the discretion of the court.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Senator Sangmeister, may I make a very respectful suggestion? You're an excellent legislator, you know the process, may I suggest to you that you do all of us somewhat of a disservice when you present a bill of this importance dealing with preventive detention without allowing any committee...any committee to review this. The House did not have it, the Senate Committee did not have it, and I'm not concerned about which committee but any committee, and I am sure that there are people out in the...in society that would like to be able to comment on this very, very important crucial suggestion. I would suggest that...I would respectfully ask you to commit this bill back to the Judiciary II Committee so that we can look at it in the Fall; otherwise, what you're doing is putting a lot of people on the spot that might like to vote for it, but we have no idea what it does, and I would...respectfully ask that you consider that suggestion.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, for the second time. I'd like to move the previous question.

PRESIDENT:

That motion is in order. Senator Lechowicz has moved the previous question. We have one additional speaker and Senator Sangmeister can then close. Senator Marovitz.

SENATOR MAROVITZ:

Well, thank you, very much, Mr. President. Without really getting into the merits and the specifics of the bill, this probably is one of the most far-reaching criminal bills that we've had this entire Session, this 704, and...again, as everyone has reiterated, it did not go through the Judiciary Committee. It has not had a hearing. I have not seen the substance of the...of the bill, it is very far-reaching. It deals with a...a subject that I...that I am very much in agreement with, but I do think it...it does concern me that...that we haven't had time to go through this legislation. There's a...there's very few pieces of...of far-reaching criminal legislation that don't go through this Body without being amended and having an opportunity to be changed rather substantially. I think this is one of those pieces of legislation that we're going to see and probably pass and get to the Governor's Desk eventually. Whether this be the time, I'm not so sure, and perhaps Senator Sangmeister might consider recommitting this bill for some hearings that...that will bring out the very best piece of legislation so that we can pass on something that is...

PRESIDENT:

All right. Senator Lechowicz has moved the previous question. Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, I understand all the pleas and I am somewhat sympathetic and inclined to do that, but I've talked to other people here on the Floor who think this is a very important item. I apologize to the Body that it didn't go through committee; however, I'm sure you're all well aware of the fact that this isn't the first time something has been put on...on...without having gone through committee. I'm reluctant to...to put it back in committee because nothing is going to happen. There are a lot of people in this State that are very, very concerned about people being out on bond and committing other offenses, and this, of course, is going to tighten it up. I would say to you that...obviously this bill has to go over to the House for concurrence in this amendment, and they will have a chance to take a look at it over there and perhaps maybe that's the place that that consideration ought to be. I...if I had...if this was totally my control, I would probably go along with the...the request, but at this point, there are many people interested in this area...in fact, Senator Davidson has a Constitutional Amendment that does a lot of the same provisions that are right here which we are going to consider this Fall. So those of you that have a problem with constitutionality will probably be backing it up with that and, Senator Barkhausen, you're the last one that I think should raise the question of constitutionality. I mean, your...your amendment to the...to the death section of the...or, I mean, to the Death Penalty Act...made anything unconstitutional, that was certainly it. I leave this to your discretion, I think it's good law. I think it's well structured, there's always a question of a constitutional and there's no question about it, this is a very, very...and what you're doing here when you vote, you understand that you are greatly restricting a person's right to get out on bail. I don't want anybody to be under...any delusions about that. So, understand what you're voting for.

This is a very, very substantial change in the bail provisions for the law of the State of Illinois; however, I do think they are good.

PRESIDENT:

The question is, shall House Bill 704 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 43 Ayes, 11 Nos, 4 voting Present. House Bill 704 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 715. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 715.

(Secretary begins to read title of bill)

PRESIDENT:

...I beg your pardon. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Just for the record, Mr. President. Did we just vote on a...on a bill that was...guttled, amended and the amendment not distributed, is that correct?

PRESIDENT:

Well, the amendment had been previously distributed, if that's what you mean. On the Order of House Bills 3rd Reading is House Bill 715. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 715.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. House Bill 715 does, in fact, provide for pharmacists to...continuing education courses. Probably the most important point I could make in favor of pharmacists continuing education is the fact that pharmacy is a field experiencing rapid and frequent changes, particularly with regard to the new drugs and the introduction of these drugs. It's important that pharmacists who have the responsibility for dispensing these drugs have a good working understanding of...of the drugs in order to safely and intelligently provide advice to consumers and detect potential signs of danger and possibilities of side effects. I feel that it is generally beneficial for professionals such as the pharmacists to be engaged in ongoing contact with...some kind of structured learning processes to assure that they not lose touch with the academic principles governing their professional practices. Department of Registration and Education finds the administration aspects of House Bill 715 to be acceptable. The provisions of the bill allow the department flexibility in establishing a system for verification of completion of the required continuing education courses. There was some opposition with the bill. I...I would be remiss if I didn't mention that. I think the opposition came about the thirty hours' requirement. Many pharmacists originally felt that that was thirty hours of educational school training and that's not the case. The courses which would be offered through providers approved by the American Council on Pharmaceutical Education are readily available in live settings as well as electronically on audio and videotapes and through correspondence and self-study mechanisms. I think this is a good concept and I would urge your support of House Bill 715.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 715 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, none...I voting Present. House Bill 715 having received the required constitutional majority is declared passed. 720, Senator Rock. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. About an hour ago, I had a conversation with the Speaker of the House who has requested...an amendment be added to House Bill 720. In an attempt to accommodate him, I would seek leave of this Body to bring that bill back to the Order of 2nd Reading for purposes of an amendment, and then it, along with the other recalls, will be held till the end of the day or whenever we get to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock seeks leave of the Body to return House Bill 720 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House bills 2nd reading, House Bill 720, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Amendment No. 1, if you will recall, changed the leadership structure here in the Senate. By virtue of Amendment No. 2, what the House is seeking to do is bring to parity the extra emolument that the...their leaders get. So, it will affect the two majority and two minority whips and the majority and minority caucus chairs, and I would move adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, those in favor sig-

nify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Top of page 8, 724, Senator Vadalabene. House bills 3rd reading, House Bill 724, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 724.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. According to the Firefighters' Association, there are eight fire departments within Illinois that contract for fire protection service, but this bill is really aimed at future potential contracts. Reportedly several private firefighting enterprises from Indiana are pursuing contracts in Illinois and are as far as forty miles away from the areas proposed to be served. The Firefighters' Association knows that public tax monies are involved with the contracts with prior...private firefighting enterprises; thus, some states...some state rules and regulations should be provided. The bill is supported by the Illinois Association of Fire Protection Districts and the State Fire Marshal's Office and the Firefighters' Association of the State of Illinois, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 724 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 57, the Nays are none, none voting Present. House Bill 724 having received the required constitutional majority is declared passed. 735, Senator Berman. 737. Senator Berman on the Floor? All right, 753, Senator Savickas. House bills 3rd reading is House Bill 753, read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 753.

(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, 753 is the gasohol tax bill that removes the one percent...bonus that they received. This has been agreed to by the people that are in the gasohol business, by Marathon Oil. It's the bill that came over clean from the House. It's the one that, I guess, gives the State of Illinois approximately twelve million dollars in savings. It sunsets in 1992 and I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any 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:

...are you saying that your...your bill reduces the...the tax incentives that we have placed on gasohol?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senators...Senator Geo-Karis. I'm sorry, Senator Savickas.

SENATOR SAVICKAS:

Yes, Senator, it phases the tax back in as per the agreement between all the parties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, alcohol added to gasoline makes gasohol methanol...ethanol alcohol and, therefore, we have more gasoline available, and I think that we should try and keep gasohol on...on the market, and the only way we can do this to give them a tax break, and I think under this bill it takes away the tax break from alcohol fuels when they're mixed with...gasoline; and therefore, I feel that the bill is not really going to help us have more fuels available because when you can think of gasohol, and I've been using it in my cars for years, and you add alcohol to gasoline to make more fuel, we're less dependent on foreign sources for our gasoline.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Keats.

SENATOR KEATS:

I...I...thank you, Mr. President. I wasn't going to speak. This bill has been the subject of a great deal of work and...and we're now at an agreement this...basically all the parties involved agree. It does make some changes but it's the best we can do in a difficult situation. Senator Savickas has been most cooperative. Senator Philip has beat us to a plup on the committee. We have all worked this thing out and while it's not perfect, it's the best we can do and...and...we've worked with Representative McPike who reached the original compromise which actually was pretty doggone reasonable. I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Thank you. This is sales tax, so this isn't going to have any impact at all on units of local government, in other words, township roads and county roads, or...or is it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

...this all goes into the Road Fund then. Is...is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas. Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, it would go into the general revenue, it's sales tax.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

I thought that we...couple of years ago put all the sales tax revenue from gasoline into the...the Road Fund. We called that a diversion. We did not do that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Not to my understanding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. A...I guess a question and a comment. The question which I will direct to the sponsor is, why are we doing this now? I'm really not quite clear that...all of a sudden we would start shifting around the...the sales tax break for gasohol. If we were starting all over again, I could understand that someone would say that it might cost the treasury some money and perhaps we ought not to be doing it, but it's...it was a policy decision that was strongly made by this General Assembly to...basically, to help a major industry, agriculture, in this State and it was done with full knowledge of the fact...of the consequences and now we seem, all of a sudden, to be sort of changing the rules in midstream and I...I...my comment and my question is, why should we be doing this now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, there are a few reasons, Senator Netsch. The surrounding states, like Indiana, they're phasing out their bonus. The purpose and the intent of this was to allow the companies to build up and develop a market and develop a competitiveness with gasoline. They have done that. They have increased from thirteen percent to approximately twenty-five percent of the market. They realized that at one time they must phase this out since it was a temporary bonus for them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

I'm sorry, someone interrupted me on...just your last comment that...was designed to explain to me something which I cannot figure out even yet.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, it was basically a...the tax break was basically to give them a opportunity to become competitive with the gasoline. Over the years now, they have gone from, I think, about four percent of the market to thirteen and now it's approximately twenty-five percent of the market. The surrounding states have reduced their tax break. Indiana has knocked it back one percent and the companies realize that now that they are getting on their footage that they will phase out this tax break and the money then will be allowed to be used...to come back into the State Treasury.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Netsch, your time has expired. We'll come back to you if it's necessary. In the following order we have Senators O'Daniel, Zito, Coffey, Etheredge, Luft, Nedza. Senator O'Daniel.

SENATOR O'DANIEL:

Yes, Mr. President, I rise in opposition to this bill. I...I think it would discourage ethanol production here in...here in Illinois, and...at this time when commodity prices are very much depressed, I think this would further depress the farm economy, and I think this is a bad time to think about taking this advantage from the production of...ethanol.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. As the original sponsor of the tax incentive legislation for gasohol use, I rise in strong support of House Bill 753. Originally, two years ago, I introduced and passed legislation that would enable gasohol to have a reduction of...of a sales tax at the

pumps and we did that for a very good reason. It was my feeling at the time and this General Assembly concurred that we needed to continue productivity of gasohol, that it was too important of a fuel not to continue to produce in the State of Illinois, important to the farmers in this State and important to the consumers. I'm happy to report that that...in fact, that legislation has worked. We need now to continue to be competitive, and in answer to Senator Geo-Karis' questions and Senator Netsch's question, I think that we've accomplished what we set out to do with that legislation several years ago. Now, we're asking that since the idea has caught on, has been proven both financially rewarding for farmers and the industry in this State, that we need to maintain a competitive edge with the surrounding states and, therefore, House Bill 753 was introduced and I think deserves a favorable vote in this Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in opposition to this bill for several reasons. For one thing that...that I would like to just clear up before we go on, the fact that the...the sales tax on fuel does go into the General Revenue Fund and does not go into the Transportation Road Fund, and we did that two years ago when we passed the...the increase in the motor fuel tax. We turned around and change the law to put that money into the General Revenue Fund. So, it's not going to be a saving to...or it's not going to increase funds to the Transportation Fund. Secondly,...the bill is working and now that...as just stated by some of my colleagues on the other side of the aisle, the...the...the bill that we passed a few years ago is starting to work, it's...it's...Illinois now produces over sixty percent of the ethanol that's produced in the United States

which means that it's working here in Illinois, and I think we ought to continue that program...it helps agriculture. The Illinois Farm Bureau opposes this bill, according to my analysis, and I think it's just a bad bill and we ought to...we ought to oppose the thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator, as I understand it, in the negotiations that have been taking place over the last week, they're...they're...an understanding has been reached...between all the interested parties. Now, my understanding is that this bill, 753, does not incorporate all of those understandings. So, I specifically want to make...there are a number of these gasohol bills floating around and I just want to make sure that we vote...vote Aye on...on ...on the right ones. One of the elements of the agreement was in the definition of gasohol. Another part of the understanding was in the...on the issue of reciprocity. A...a third understanding was on the...the pickup...or I guess the...the Fed's increase the subsidy a penny we're going to drop back a penny. Does this deal with all three of those...those issues? I mean, specifically does this pick up the...the penny that the...the Fed's put on last year?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

No, Senator, that's being addressed in the House, as is the...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Then...my understanding is that the agreement that was reached has been incorporated in...in a Senate bill, I believe it's Senate Bill 254 which is on the way over here on...on concurrence. I mean, why...why do we need this bill, I guess? We've got another one coming up later on today on the Calendar that also deals with just part of the problem. I...my question is, why are we doing this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, we don't know what's going to happen to 254 on concurrence. You're right, they're trying to address some of those problems but there's no agreement yet on that problem. This bill is in the form that the companies had signed off on, that the House members had signed off on and it passed overwhelmingly in the House because of that agreement. So, we want to have this pass and...just in case there is no other agreement...no other bill that's passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Then...but as the sponsor has already indicated, this bill does not include all the elements that were agreed upon in the discussions and I think that we should vote No on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. If I could, I have three ethanol plants in my district, so, I think, probably, I know more about ethanol, I would think, than anybody on this Floor at this time. I, along with Senator Zito, passed a bill two

years ago. We sponsored a bill to give a four-cent exemption for ten years to 1992. That's what we told the ethanol industry in the State of Illinois we were going to do. This year, Pekin Energy which is owned by Texaco and CPC International and, by the way, the second largest producer of ethanol in the United States, came to me and asked me if I would introduce legislation dropping that four cents to three cents, or three percent. It's the first time since I've been around anybody ever asked to be lowered. They did so because apparently the Federal Government had given them an exemption higher than they thought that they were going to get and they thought it was fair to reduce it at the State level. I said, all right. We then decided to address the issue of the millions of gallons of Brazilian ethanol coming into the State of Illinois. So, I added into a bill that is now coming back here on a concurrence, that is my bill, that the exemption only applied to ethanol that was derived from cereal grain, that means corn. The Brazilian ethanol is made from sugar cane; therefore, they would not get the State exemption. We also incorporated in that bill that is now coming back here for concurrence that there would be a...the reciprocity agreement between states would stay in existence. Those two provisions, the reciprocity and the Brazilian, are not in this bill. However, there was an agreement made in the House with all the people involved that this bill would be passed and that 254 or 52 would be passed also. Unfortunately, this bill does not incorporate what I think is a...and of...the industry things is very important and that is the Brazilian ethanol that is doing way with the...the Illinois program...or hurting it, and also the reciprocity agreement. It is my hope...and I think what we have left to do is to perhaps pass this bill because I thought that there was an agreement, although as a conservation this morning, I'm not so sure sometimes that there is or not, but I think maybe

because people gave their words that we should pass this bill, concur in the bill that I have coming back and let the Governor make his decision on whether we should, in fact, have a reciprocity agreement and should, in fact, eliminate the Brazilian ethanol from coming into the State of Illinois. The bill coming back, the way I understand it, has been amended to be exactly like the exemption reduction in House Bill 753. I don't like this bill at all, but...I think people gave their words to support it and I will do so but you're, obviously, free to do whatever you want. I think, with the lead being taken out of gas and if, in fact, that happens, this is going to be the major industry in the State of Illinois in the near future, and I'm not so sure we're not crippling it by doing this, but the word has been given as far as I'm concerned.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. I rise in support of the bill for a number of the reasons that...previous speakers have enumerated; but also, when the bill was being heard in committee...and all those parties that were in agreement with the bill, and in some cases, I guess a gun was held to their head, it's a...a reluctant agreement, Marathon Oil attempted to place an amendment onto the bill which was defeated in committee, and after the defeat of the bill, while they reluctantly, basically, up to whatever degree, they say they concur. I don't think we can ever placate everybody's particular parochial needs, but this is what we agreed to and this is the best we got and I would urge your favorable support for the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Well, I wasn't involved in any of those agreements and until the proposition that Senator Luft mentioned is on there, I would be reluctant to support any bill, and...and as a matter of fact, I'm...I'm reluctant to support them...as it is. I think that right now, when Illinois agriculture is in its...its worst doldrums since the great depression, to be taking off any incentive to use Illinois corn for anything is irresponsible. Now, I don't care whether the major oil companies like this or not, I think that we have to look out for this nation's number one industry and that's agriculture, and agriculture is in dire straits right now and to be even talking about something like this is absolutely foolishness; and I think we ought to tell the major oil companies to forget about it, folks, we're going to maintain this, and I'd like to know what Iowa is doing, and...Indiana is mentioned, but some of the...other major corn producing states I'm sure are not doing this, and I would urge a No vote on this and perhaps even the other bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Yes, I must remind some of our Senators that the original intent of the bill has been accomplished. The oil companies realize that the subsidy has been too high. There will still be a two percent tax break from June of '86 through 1992. The reduction in this percentage will provide after the first year...the first year, twelve million and after that another twenty-five million to the General Revenue Fund, which I think is important and it also follows the actions of the other states that are surrounding our borders in the reduction of this subsidy because now they realize that it is...it is more than competitive, that they have accomplished their purpose, and I would suggest and hope for an Aye vote on the

passage of 753.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 753 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 22, the Nays are 33, none voting Present. Senate Bill...or House Bill...753 having failed to receive the...required constitutional majority is declared lost. The sponsor requests postponed consideration. 755, Senator Karpziel. House bills 3rd reading,...House Bill 755, Mr. Secretary.

SECRETARY:

House Bill 755.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 755 does exactly what...what it says on the Calendar. It increases the fee an employer may collect from an employee for withholding spouse or child support from the employee's paycheck pursuant to a court order from what is in the current law now of one dollar to four dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Darrow.

SENATOR DARRON:

Thank you, Mr. President. This piece of legislation will no doubt create quite a bit of concern when we go back to our districts. In a situation where a person is divorced and is paying child support in this manner, he could be paying perhaps twenty dollars a week child support but the amount he would have to pay to the employer would be an additional four

dollars, so he'd be paying twenty-four dollars a week. He may not have that amount of money to start with if his child support is, say, twenty dollars a week. On top of that, yesterday, I believe, we passed a bill on the Agreed List that allows the circuit clerk to charge, I believe it was one dollar fee per week. So, by the time you have a fellow who goes through a divorce, doesn't have custody of his children, doesn't have much income, has to pay his child support, tries to pay it on a regular basis, he's now going to be taxed additional four or five dollars. It...it just doesn't make sense to go from one dollar to four dollars or about two hundred...two hundred and eight dollars a year...it...it...twenty percent...it just doesn't seem right. So, I would solicit a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

This...this is one of the worst ideas I've yet heard today. We are no longer interested, obviously, in child support, we are now supporting the employer. This doesn't make any sense at all. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel may close.

SENATOR KARPIEL:

Well, in...in regards to the comments made,...first of all, if the...the spouse that is paying alimony or child support would pay on time, none of this would happen. The reason that the employers are asking for a raise is because they figure that...first of all, they're in perfect agreement with doing this. We're putting the liability on the employer. Now the employers haven't done anything. It's their employee that's not paying his child support. So, we're just putting that liability and making them be...be a...a collector. The difference between this and other wage

HB 761  
3rd reading

assignments is that this is not just a standard, once a month...might go on for a few months till some debts are paid. Some of these assignments go on forever. I mean, the child could go from two to eighteen and you'd be collecting this money, and it isn't always a standard. One court order might be a monthly payment and one might be every other week, one might be a pay period, whatever it is. The...the employers are...are finding that it's costing them a great deal of money to...in bookkeeping and in personnel in meeting these requirements. They're doing so willingly except it's costing them about eight dollars on each case instead...and they're only asking for a raise from one dollar to four dollars. Certainly, if these people can't pay these extra three dollars or whatever it is, they should just pay on time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 755 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 28, the Nays are 24, none voting Present. House Bill 755 having received the...having failed to receive the required constitutional majority is declared lost. 761, Senator Vadalabene. House bills 3rd reading is House Bill 761, Mr. Secretary, read the bill.

SECRETARY:

House Bill 761.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 761 repeals the section prohibiting the DLE officers from participating in any manner in the activities of

AB 777  
3rd Reading

interest of any candidate for public office under penalty are remove from the position. The ban on political activities is meant to keep the State police and the DLE officers above politics; however, the right to become involved politically is a fundamental element of our system. The bill passed the Executive Committee by a vote of 10 to 4 and is supported by the Illinois State Troopers Association, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, the question is, shall House Bill 761 pass. Those...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 39, the Nays are 17, none voting Present. House Bill 761 having received the required constitutional majority is declared passed. Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

(Machine cutoff)...Body to have House Bill 982...the sponsorship changed from Savickas to Senator Kelly. It more reflects his district than mine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Savickas seeks leave of the Body to have Senator Kelly substituted as the sponsor of House Bill 982. Is leave granted? Leave is granted. It's so ordered. On the Order of House Bills 3rd...Senator Hall, for what purpose do you arise?

SENATOR HALL:

...well, I'm looking...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall. Senator Hall, we...want to move over to the next one? Okay. House bills 3rd reading, House Bill 777, Senator Sangmeister. Read the bill, Mr. Secretary,

please.

SECRETARY:

House Bill 777.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. For a long time there have been many of us around here who have felt that probation and community corrections ought to be working together in a unified effort and that's what the result of House Bill 777 is. What...House Bill 777 amends the Juvenile Court Act and the Probation Officers Act to provide for a State and local partnership in...finalizing a comprehensive and uniform system of probation in court services in the various counties and promotes the development of a coordinated community justice system. I met with a number of people over a long period of time and I'm just going to quickly read off the list of the people that have now signed off on this legislation, the Probation Association, the...Administrative Office of the Illinois Courts, the Chicago chief judges, the House Democratic Leadership, the John Howard Association, TAS, the Illinois Coalition on Prisons, the Governor's Office, Catholic Charities and...that's nine different associations or groups of people that we have worked with. I'll be happy to answer any questions concerning it, but I want to tell you that this piece of legislation has been worked over from top to bottom. It's not everything that everybody wanted, but it's a little bit of what everybody thought ought to be done and, as a result, I think we have a fine bill. If there are no questions, move for...passage of this...House Bill 777.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DeANGELIS:

Senator Sangmeister, I believe some of the community agencies had some difficulty with this and there was an attempt to resolve them. Were those resolved by any chance?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, if you're talking to people like the Safer Foundation, yes, I...I can...you know, I don't want to speak for any organization that I have not read off the names for, but I...I know at this point of no opposition from any of those community agencies that I think you're referring to.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I didn't hear you read off ICOY, are they in favor of it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I have been told they are, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 777 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 777 having received the constitu-

tional majority is declared passed. House Bill 781, Senator Demuzio.

SECRETARY:

House Bill...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Read...read the bill, Mr. Secretary.

SECRETARY:

...House Bill 781.

(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. House Bill 781 is a bill that would amend the Retailers Occupation Tax Act to provide that when prepaid taxes are collected on a monthly basis exceed twenty-five thousand dollars, the quarterly monthly...payments are required. It's currently ten thousand. All we are doing in this bill is putting this back to where it was prior to 1983 and it seems to me that it's a prudent thing to do and we ought to...to pass this and I think Senator Netsch may have some questions relevant to it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in strong opposition to this and...and I guess my feeling is, you know, enough is enough. Last year the...motor fuel people agreed with the Department of Revenue; in fact, some of us really made an effort to bring their step acceleration up to the same level as all other retailers. Originally it was suggested at a different level and they agreed then to the ten thousand dollar level, and now, less than a year later and, in

fact...considerably less than a year because I think it's been in effect only since January, they are back trying to undo what they agreed to just last year. If this bill passes, it will have a cash flow impact, probably only about six hundred thousand dollars with respect to this particular group of retailers, but if this group of retailers is successful...or not retailers, I'm sorry, those who pay the sales tax, is successful in...in changing the threshold level from ten thousand dollars to twenty-five thousand dollars, then every retailer is going to say why shouldn't we do the same thing. That will have a cash flow impact of about twenty-five...no, I'm sorry, about forty-five to fifty million dollars. That is all the Governor's STEP Program and it will be absolutely up in flames before it really has ever had a chance to become effective. Now, my feeling is, a commitment is a commitment. Why should they be put in any more favorable position than all of the others who are required to prepay their sales tax? It doesn't make any sense and it's not fair and it shouldn't happen.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

Under your bill, are you saying, in effect, that business could be helped by holding up their money for a little longer in order to pay their bills?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He didn't hear you.

SENATOR GEO-KARIS:

I say, under your bill, would you say that you would be creating less of a hardship on businesses who are getting

prepaid payments of tax money?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Sure, and...and quite frankly, you know, this accelerated...tax procedure was put in several years ago and I'm not sure that we ought not to do it as...Senator Netsch has suggested for all retailers. If she wants to bring forth a...a bill next Session to allow that to occur, I would be more than happy to support it. It just seems to me, there's no revenue loss with this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall...Senator Netsch.

SENATOR NETSCH:

I'm sorry, just one point to make it clear though, Senator Geo-Karis. This does not apply to all retailers. It applies only to the motor fuel people. They are the only ones who are going to be given the different treatment. All the other retailers will still be under the provisions of the Governor's STEP Program. So, don't have the feeling that you're helping a lot of small businesses, you're helping a few large sellers of gasoline...wholesalers of gasoline.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, Mr. President, just for the record, we had passed a bill that forces them to prepay this tax. That's the reason why this change is being made. It isn't that they're collecting it and keeping the money, we're forcing them to prepay it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Demuzio may close.

SENATOR DEMUZIO:

HB 782  
3rd Reading

Thank you, and I... you know, Senator DeAngelis is absolutely correct. I don't see anything wrong with this at all, and it seems to me that if...I wasn't a party to any kind of an agreement that was alleged here on the Floor. Just seems to me that we ought to be doing this, and if Senator Netsch wants to bring in a bill for the other small retailers, I'd be glad to support it next Session. I would ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 781 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 52, the Nays are 1, 1 voting Present. House Bill 781 having received the constitutional majority is declared passed. House Bill 782, Senator Collins. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 782.

(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. This is a very simple bill and I'm surprised that it wasn't on the Agreed Bill List. The bill simply extends the coverage period for group health insurance policies after a person has terminated their employment from the...the current six months until nine months. There's no money involved. The employee pays for the cost of this group health insurance. It's just...simply provides them with an opportunity to seek...alternate coverage for themselves and for their family after the...their jobs have been terminated for whatever reason. I would be happy to answer any questions; if not, I

would request a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 782 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 45, the Nays are 9, none voting Present. House Bill 782 having received the constitutional majority is declared passed. House Bill 787, Senator Luft. House Bill 792, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 792.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this does is amends an Act providing for electronic data processing in the Illinois Revised Statute. Requires the Legislative Reference Bureau to make a memory system available to be used by the public and governmental entities if such availability does not reduce the quality of service available to the Legislative Reference Bureau. This is requested by the Reference Bureau and I think it's a good bill. It allows our agencies to get this necessary information.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, the question is, shall House Bill 792 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 792 having received the required constitutional majority is declared

passed. 793, Senator Luft. Page 9. 805, Senator Karpiel. Top of page 9 is House Bill 805, Mr. Secretary, read the bill.

SECRETARY:

House Bill 805.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. This bill adds new language to allow the Comptroller to withhold income tax refunds for persons who have had support orders filed against them, and it allows the Comptroller to give the Department of Public Aid the refunds and information regarding the whereabouts of the delinquent person.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, the question is, shall House Bill 805 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 are none, none voting Present. House Bill...805 having received the required constitutional majority is declared passed. 811, Senator Luft. House bills 3rd reading is House Bill 811, Mr. Secretary, read the bill.

SECRETARY:

House Bill 811.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 811 provides that

HB 831  
3rd reading

in any action against the State or a municipality to recover utility taxes that were illegally or unconstitutionally collected, that the prevailing party shall not be entitled to recover any amount exceeding such taxes or charges paid plus interest where applicable during a period beginning three years prior to the date of filing or court complaint, whichever occurs earlier. Try to ask for any questions; otherwise, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 911 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. House Bill 911 having received the required constitutional majority is declared passed. 931, Senator Barkhausen. House bills 3rd reading, House Bill 831, Mr. Secretary, read the bill.

SECRETARY:

House Bill 831.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 931 does a couple of different things with regard to the Crime Victims Compensation Act. For one, it expands the definition of crime and violence to include incest, criminal sexual abuse, aggravated criminal sexual abuse and certain other offenses, and it increases the maximum award under the Act from fifteen thousand to twenty-five thousand dollars for crimes committed after the bill's effective date. In addition, the bill has been amended to incorporate the provisions of Senate Bill 644

HB 838  
3rd Reading

which earlier passed out of this Chamber 46 to 9, which provides for a...a fee...for witnesses in...violent crimes, including crime victims, the maximum of fifty dollars a day, deducting the twenty dollar amount otherwise available from the circuit court clerk's fee up to a maximum of fifty dollars, as I say, against lost wages. Urge your favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? If not, the question is, shall House Bill 831 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. House Bill 831 having received the required constitutional majority is declared passed. 838, Senator Poshard. House bills 3rd reading, House Bill 838, Mr. Secretary.

SECRETARY:

House Bill 838.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill amends the Consumer Fraud and Deceptive Practices Act, creates the offense of fraud against the elderly. The Attorney General's Office annually receives about twenty thousand complaints per year alleging home repair fraud against the elderly and this bill, among other things, would make it unlawful...would make it an unlawful practice for any person to...contract with another person age sixty or over for the repair, construction, reconstruction, building, rebuilding, remodeling, renovation or restoration

of any real or personal property or for the purchase of sale of any type of insurance, annuities, security or any other item of real or personal property while knowingly using a name other than their real name or an assumed business or corporate name, while knowingly misrepresentating material facts with the intent that others will rely on that misrepresentation. There are many other provisions to this bill, all of which I'm sure are in your analysis. Be happy to go over each one point by point if necessary, but would ask for your favorable consideration to this bill

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question...Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I just would ask the sponsor to yield, if he would.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Poshard, I appreciate that this bill, like Senator Sangmeister's bill we debated awhile ago, it was a fairly substantial one and perhaps we're all or most of us sympathetic, but I...I wondered since it does seem to be a fairly sweeping proposal and...and because, I guess, it didn't get a hearing...before any committee, if you could just take a moment to outline what the...what the unlawful practices are. As I understand, we're talking not only about...about home repairs, but in addition to that, we're talking about the sale of certain types of insurance and maybe certain other transactions as well?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, these are the types of deceptive practices that the

bill addresses for people age sixty or over; using a name other than his real name or an assumed business or corporate name, misrepresenting a material fact with the intent that others will rely on that misrepresentation, preventing or obstructing another from obtaining pertinent information, selling property without disclosing an existing lien or encumbrance when the person had actual knowledge or reason to know of the existence of such lien or encumbrance, to promise the performance of any act not intended to be performed, to employ any deception, to encourage another person age sixty or over to enter into any contract or agreement, to damage property in order to enter a home to repair that home, to enter into an unconscionable agreement or contract. A contract shall be deemed unconscionable when the agreed upon consideration unreasonably exceeds the fair market value of the services, materials and work to be provided under the terms of the agreement or contract. It prohibits a person from falsely representing themselves as public officials to cause a person age sixty or over to enter into a repair contract or purchase an item of real or personal property. Those are the specifics that the bill addresses, Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen, your time has almost expired. Senator Barkhausen.

SENATOR BARKHAUSEN:

My time is about to expire, I think I've taken about fifteen seconds but I hope that's not excessive. Just a...you're saying...as I understand it, that it could be a...a crime for someone to...to sell property which is deemed to unreasonably exceed fair market value...did I hear you to say that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, under this bill, that...that would be termed an unconscionable agreement or contract, and as I had stated before, a contract would qualify to be unconscionable when the agreed upon consideration unreasonably exceeds the fair market value of the services, material and work to be provided.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

...to the bill, I...like I'm sure...most of us have not had a chance to take a close look at this bill, and I suspect that we are talking about things that are already covered by law under the Criminal Code which this bill partially deals with criminal violations we have under our current Statutes...theft by deception, so that where one is...selling property and misrepresenting the nature of the property or misrepresenting its...its value, there is a potential violation under the Theft by Deception Statute. In addition to that, if one is talking about civil penalties, we have the Consumer Fraud and Deceptive Practices Act which the Attorney General has, at this point, jurisdiction to enforce. I don't know that I would oppose all of the provisions in the bill. I would probably support most or all of them, but I...I think, again, considering the fact that this bill did not get a hearing in committee, that it should before we pass anything so sweeping as this and it potentially comes back to haunt us.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. I wonder if the sponsor will yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR DUNN:

Senator Poshard, is this bill directed towards protecting me from...from unscrupulous people. I appreciate your effort, but what about my seatmates on each side of me? They also would like to be protected they tell me.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Senator Dunn, knowing your athletic prowess, you don't need a whole lot of protection under this bill, but it is directed toward protecting you, yes. It's specifically directed toward people over age sixty because those are the people that are...are most usually taken advantage of by people who are in the fraudulent home repair business.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. I just a little bit resent that, Senator Poshard, that you think that I'm more gullible than the people sitting on either side of me, you know...I...I think I'll vote No on the bill just on that strength. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Sam, I think you ought to know that you're mentioned in our analysis and I don't think that that's right, I don't think you're over sixty. Are you?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Bev, this is Sam, you know darn well that I don't act like I'm over sixty.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and members of the Senate. I know we're moving along fast, but I think we ought to slow down just a little bit here and take another look at this. With all due respect to the sponsor, this is the Attorney General coming forth at the eleventh hour with some very important changes in State law, changes which have not had an opportunity to go through our committee system, and in some cases, that may be okay, but I think you want to take a look at this one. I'm all for helping senior citizens and I think it's a good idea, but I think a vote Present on this is in order here for the following reasons. For one reason, I see here it says that if, for example, a citizen were to sell a lot to somebody over sixty and failed to expressly state there is an easement across the land, even if such easement is apparent and a matter of public record, that person commits a Class 2 felony, three to seven years. There's a number of felonies that this spells out. Now, maybe that's the way we want to go, but we ought be proceeding in a committee system where we have an opportunity to look at this legislation. I think a vote Present on this bill is in order.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, we had a bill here that just flew out of here a while ago and, oh, it was great. Now, what happens here is that the victims are usually elderly, they live in a home alone. Usually the unscrupulous contractor gains inter-

est to the victim's home by representing himself as working in the area or just passing by or noticing what needs to be done in this home. This is really a bill that we should pass, and getting back to Senator Barkhausen, you said, yes, we hadn't read...we hadn't the chance to read and hear about Senator Sangmeister's bill too, but it just flew out of here. This is something that's needed and I should think that everybody on this Floor should try to get something that...would protect the elderly, the people who live by themselves and get rid of this dishonest contractors who have been preying on these people. I urge your most favorable support of this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. It's really strange that this bill has surfaced on the Floor of the Senate when I had a similar bill of which the attorney's from the...state's attorney's office, the Attorney General's Office, representatives of the mayor's office and representatives of the industry itself. My staff and I worked over six months on a whole package of bills that were left in committee that was not too much similar from one of the bills in that package. I'm a little appalled that the Attorney General would put forth this...this bill and it's on the Floor here and I don't know anything about it. I think I've been working on this issue for seven years. While I am not concerned about pride of authorship, there are some concerns that I do have about this particular bill...I think I have worked longer than the...the current sponsor, probably anyone else on this Floor on this issue, and if the bills that I have...that total package of bills are going to be remaining in committee for continuous work, I would suggest that this particular bill go there also because it is a very

serious area, it is most...certain an area which we need to do something about, but it is a very complicated area so that we don't penalize the...the good, hard working person and that we're able to...have legislation so that we can put those unscrupulous people out of business. It's a problem for senior citizens but it's also a problem for many other people throughout the State, and I would hope that we wouldn't have two sets of laws, one for the elderly and one for other people; and for that reason, I'm going to be voting Present on the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

I rise...I rise in support of this legislation, being involved in this situation and having my name used in this situation and having my friends bilked through this situation and having worked with the Attorney General in regards to this situation of milking elderly people. In my community when...home repairs are done, the people don't go to the bank, they go to the bank only to get the cash. So, if they have an eight thousand dollar remodeling job, they give eight thousand dollars to that contractor who never does the work. In one incident, going back about five, six years, I...I remember we tried to stop the Sun Times Newspaper from taking advertisement on the back of a...their...their funnies and the company was...and they were still bilking these elderly people remodeling basements and the...and the paper still took the advertisement for that matter and it took almost six months before they realized what was going on. But I think this is an important step to protecting our elderly and I have no personal pride in the bill that I passed. I'd just like to see the problem resolved, and I'm not like the previous speaker, I'm not against somebody coming in and passing the legislation. I have no pride in the worthing of my bill

or any other bill. I think this is a good piece of legislation and I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

END OF REEL

REEL #5

SENATOR POSHARD:

Thank you, Mr. President. I think this is a good bill. I think it does what's right by senior citizens who most often get ripped off by disreputable home repair people. When this was amended yesterday, Senator Schaffer asked me for a synopsis of it. We gave that to him and would have given it to other folks had they requested it. Present Statutes, under the law under which the Attorney General operates, apparently are not good enough to accomplish the kinds of things that this bill needs to accomplish in protecting senior citizens. So, I call for your respectful consideration of the bill. I think it's a good bill and it should be passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 838 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? On that question, the Ayes...take the record. On that question, the Ayes are 28, the Nays are 3, 24 voting Present. Senator Poshard seeks leave of the Body to postpone consideration of 838. Is leave granted? Hearing no objection, leave is granted. House Bill 861, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 861.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 961 provides tuition waivers to children of tenured faculty members at the various university systems provided that they meet certain conditions. There will be one tuition waiver available for every fifty faculty members. The limit on these tuition waivers would be a hundred and fifty tuitions. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WEAVER:

Senator DeAngelis, why did you only include faculty members? How about nonacademic people and the...the craft union people and those who work for higher education...regardless of what classification of employment they're in?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Weaver, the bill came over that way. I do intend, if this program is expanded, to...include those people. I will, however, not allow children of faculties from embalming schools.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, I...I think we could probably wait until next year to pass a bill of this type. I just can't see granting tuition waivers to the highest paid category of public...institutions of higher education's children. I would hope for a No vote on this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I couldn't agree with you more, Senator Weaver. I...in fact, if you...talking about special legislation probably to some of the highest paid people in State Government, this bill is it. Basically what you're doing is you're saying that their children, if they...they receive a tuition waiver, and in turn, we pass budgets out of this General Assembly and their cost of living increases are much higher than anyone elses. Senator Weaver, you're absolutely correct, this bill deserves an absolute No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. I rise in support of the bill and we...what we are talking about is attracting and keeping competent faculty in higher education. We all know Illinois ranks very low as compared to other states of what our faculty is paid, and if you're talking about keeping people in Illinois in higher education, this is one way you can do it without coming out with...coming up with direct cash monies. Now, Illinois...we are talking about improving the quality of education, improving the quality of teaching and et cetera, this is one incentive for faculty members to either come to Illinois to teach or it can be an incentive to keep them in Illinois and teaching in higher education, so this is a good piece of legislation and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

I'm looking at this legislation. This is a group of individuals that was very critical of the legis-

lative...scholarship program, and I can't see why we're blanketing every teacher that has children without setting up some type of scholastical program in the school. I think this bill goes too far. I think if they want something, then the school should be allowed to set up a scholastical program so the best...so the students that are children of professors can compete for this. Academic achievement is what we're striving for and that's what we're constantly criticized in regards to the legislative scholarships, but I've also...have a position where...even if I was going to vote for this, I would vote Present since my immediate family, my brother, would directly benefit from this. So, I will vote Present.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

I just have a question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR WELCH:

Senator DeAngelis, when this bill was first explained to me, I was told that the reason was that tenured faculty are able to go to school and have tuition paid for themselves and what they wanted to do was pass on this right to children. Is that not included in this bill or is that the original intent?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

I know of no such explanation, Senator Welch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well,...that's the way it was explained to me several months ago. This is for every tenured faculty teacher can

have their children go to school with a tuition waiver.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse. That wasn't a question. Senator Newhouse.

SENATOR NEWHOUSE:

I...I wonder if Senator DeAngelis would want to answer the question that was asked previously?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

No, there is a limit to this. There's only one available for each fifty tenured faculty member. It's not on a limited amount.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. Chairman...Mr. President, this bill came out of committee on a fairly heavy vote, but there were a number of questions that were unanswered and...and I'm a little troubled by that. I...I'd like to study this a bit longer but, of course, it's up now. Senator DeAngelis, I wonder if you'd yield for a question? Exactly how is this selection made? As I understand the bill,...allocation of one for every fifty, is that correct? Then how is...how is that one selected?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if the number of applicants exceeds the availability, then the availability is determined by that person having the longest amount of tenure at that university and you go right down the line.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Is it accurate then that if there are two parents working that...that that cumulative time will be considered so that in effect you will have two parents, double salary and a child on...on scholarship. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

No, if there are two members, you would add up the total of the two members; however, if there are two children, they're only allowed to send one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

How nice. Senator Newhouse.

SENATOR NEWHOUSE:

...same thing. My question then is, the...the cumulative time with the double salary so that...so that...for example, if the...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

It's not salary, it's years of service.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

I don't want to drag this out, but let's say the salary is twenty-two five. So that a single parent...so that a parent with one child, would...would be at the twenty-two five level. Two parents working at forty-five with a cumulative...accrual of time would then have a space in front of that single parent at twenty-two five, would they not?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, provided that the cumulative total of the two is

greater than of the one, yes. It's not salary, it's years of service.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

...my...my point being that with a forty-five thousand dollar cumulative salary that the financial capability to pay some portion of tuition is much greater than that of one with twenty-two five, and it seems to me that that's an unfortunate result of this portion of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Newhouse, there are other programs that are available. If that person is making twenty-two five, currently, under the Illinois State Scholarship Commission, they would probably get the tuition anyhow. Okay?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

But if the person is making forty-five and the two are making ninety...deal with that...all right, I...I think you see. I...I've got some problems with the bill as...as...I'm...I'm going probably go vote Present...I...I think the...concept is good and somehow I think we ought to work out a bill. I'm just not sure this is it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Marovitz?

SENATOR MAROVITZ:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAROVITZ:

I must not understand this bill. I must not understand

this bill, but I must ask this question. With the tuitions going up in the State as they are and more and more people having trouble dealing with tuitions, especially with more...more than one child, why are we giving a free ride to some people who may very well be able to fund the cost of tuitions themselves when others are having serious problems...just because they're...just because they happen to be faculty members? Why are we doing this? And maybe that's not what the bill does, so maybe I don't understand it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, year after year we hear here that we are losing faculty, we've got to raise pay, we've got to do all these other things. This is a reward system for those longstanding faculty members at the universities. Now, it limits it to one per fifty faculty members. It's not a...and in closing, I'll make some comments regarding how insignificant this is.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Well,...don't these faculty...longstanding faculty members have other rewards? They're tenured faculty, they have increased salary, they have pensions, they have medical insurance. Don't they have other kinds of benefits? Do we have to...do we have to grant...you know,...we have colleges...universities coming to us all the time saying they need a tuition increase. Okay? So, now we're letting some kids in free who may not even have financial problems so that others are going to have to pay more to get in. I mean, that just...you know, who are we representing here? I mean,...the special interest groups are getting smaller and smaller and smaller. I mean, you know, I just don't understand why we're

doing this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President and members of the Senate, I rise in support of this bill. I don't know how...many of you are not are in higher education. Most of the questions asked by the chairman of the higher education and some other people was brought out in the committee. One of the points you're missing, I think, ladies and gentlemen, is all of you want to keep the strongest people possible on the faculties at the different public universities. Now, we have some of the strongest private universities in America here in Illinois; Loyola, Chicago, Bradley, they all use this to give a student, a son or a daughter of a faculty member a tuition waiver to help keep that kind of a strong person on the faculty. This is a tool that we can keep outstanding faculty members in public universities there 'cause we did lose...did lose two faculty members, I'm aware of, one at...at one university and one at another because they had a job offer to a university...a public university out of this State that gave a tuition waiver to their children while they were in college. This is a good bill. I urge all of you to vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock. Is there further discussion? If not, Senator DeAngelis may close. You may close, there's no further discussion.

SENATOR DeANGELIS:

All right, thank you, Mr. President. Well, you know, this thing is heating up a little bit. I do not think that the bill is the greatest in the world, but I don't think it's as bad as some people say it is. Let me point out to you a couple of things. First of all, as Senator Davidson indicated, the private school systems do it, the community col-

lege school systems do it; in fact, let me read to you...and now we're talking about a hundred and fifty scholarships. Okay? Currently, the Board of Higher Education gives out thirty-three thousand and ninety-six scholarships on their own that they're permitted to do by law, thirty-three thousand and ninety-six. Not one of those...not one of those...goes to the child of a faculty member. Let me read to you where some of them go, and by the way, those are worth twenty-six million dollars. Four thousand and seventy-four called statutory waivers, whatever that means; twelve thousand two hundred and seventy-three, and this is a good cause, graduate assistance. But then there's seven thousand nine hundred and thirteen that go to staff. What does that mean? Two thousand six hundred and twenty-nine to so-called cooperating teachers. I guess if you're not cooperative, you don't get one; one thousand five hundred and forty for academic purposes, one thousand four hundred and two for athletic purposes, and then they got a category called miscellaneous, two thousand one hundred and eleven. Now, what we're arguing about here is a hundred and fifty scholarships. A hundred and fifty when they're currently giving out, by law...that doesn't mean we say they have to do it, we say that they're allowed to do it, thirty-three thousand and ninety-six. Senator Lemke, I don't want to disagree with you, but at no time did the university systems or its faculty oppose...I take it back, the university administration but not the faculty opposed the academic scholarship program. In fact, we have one intact, it was passed last year. I believe you voted for it. It's on stream right now. The June graduates of this year are eligible and are being notified for them. I urge your approval of this program, and as I indicated, if we want to include other people in the following years, I'll be happy to do it. This is a House bill that dealt strictly with teachers. I'd be happy next year to include adminis-

HB 880  
3rd Reading

trators and other people. I urge your support for this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 961 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 23, the Nays are 23, 7 voting Present. House Bill 961 having failed to receive a majority...constitutional majority is declared lost. House Bill 880, Senator Degnan. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 880.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr President. House Bill 880 as amended amends Section 83 of the Revenue Act to require that property listed by a railroad with the Department of Revenue as noncarrier real estate include the permanent real estate index number when such number is available. It also as amended removes Cook County from the provisions of Section 20E-1 of the Revenue Act which is commonly known as the Forestry Development Act. Several years ago this Body enacted law identifying the Forestry Development Act and that Act was to encourage commercial timber developers in Illinois. However, there...it has served...the Act has served as a convenient vehicle for sheltering from taxation large, residential estates. One...one such estate exists in Cook County. To my knowledge, there are no commercial timberlands in Cook County. This bill as amended will eliminate that tax shelter.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah,...Senator Degnan, if it's a tax shelter downstate...is it a tax shelter on Cook County?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

You mean if it's a tax shelter in Cook County is it a tax shelter downstate? My...my knowledge of the other four hundred and...or so people that have taken advantage of this...does not include whether or not they're using it as a tax shelter. My knowledge of Cook County does include that information.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, if you don't have the knowledge, you ought not to be doing it. If you think it's pretty dangerous for Cook County, maybe, perhaps, it's dangerous for the rest of the State as well. Now, you know, just a few minutes ago you passed a bill that requested that the Body please extend to the State's Attorney of Cook County the very same rights the other counties had. Now, all of a sudden, we're back again to, well, let's leave Cook County out of it. You know, if it's good for Cook County...if it's good for downstate, it's good for Cook County. Let's stop this assessment changes for Cook County.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR ETHEREDGE:

Do I understand correctly that...and I'm speaking...to

the amendment now, Senator,...do I understand correctly that this...this is directed at...at one individual taxpayer?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Well, the amendment...the...the Act was written for commercial timberlands and those people harvesting timber. Unfortunately, one estate in Cook County has managed to get certified by the Department of Conservation and, thus, is qualified for a tax reduction. I am trying to resolve that problem with this amendment. This may very well be happening in some of the other hundred and one counties.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, I think...in an instance...such as this, we should think very carefully about exempting Cook County from the...the benefits of the program. It...it appears to me that Cook County even more than many of the other counties since it is so heavily populated should be particularly interested in...in preserving some of those...those areas which still remain that...that are forested. I would...I...I would say...and this...as my recollection is, that this was passed as part of the Prairie State 2000 Program. I think it ought to...ought to be applied Statewide. If there is a...if there is a need, if the program isn't operating as we initially felt that it should, then I think we ought to change the program but change...change it so that it continues to affect all the hundred and two counties.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DEGNAN:

Well, under Prairie State 2000 the Forestry Development

HB 883  
3rd Reading

Act, I believe, was written with the intent to help those people who were commercial timber growers in the southern part of this State. Unfortunately, someone in Cook County has managed to become qualified and we seek to...resolve that problem with this legislation. I'd appreciate your help.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 880 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 38, the Nays are 16, 1 voting Present. House Bill 880 having received the constitutional majority is declared passed. House Bill 883, Senator Friedland. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 883.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 883, the synopsis on the Calendar is correct. It provides that the township board of trustees may require any unpaid account presented for approval to be verified as reasonable rather than just. Now the background for this is that presently the town board of trustees is required to accept all bills which meet the just standard. This has been interpreted to require that an item or service was purchased is broadly described and approved within the budget document. This change reflects...this change to reasonable would reflect the intended permit of the...trustees to reject bills which they determine that are excessive and thereby remove...from potential abuse. It's supported by the township officials and there's one amendment on it was adopted in

the Senate which is supported by the municipal league, and I urge your favorable consideration of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 883 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 53, the Nays are none, none voting Present. House Bill 883 having received the constitutional majority is declared passed. House Bill... House Bill 898, Senator Rock. Read the bill...House Bill 900, Senator Netsch. House Bill 903, Senator Smith. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 903.

(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. 903...original bill was eliminated and Amendment 1 became the bill which provided for the...director of the Department of Central Management Services is authorized to convey a quit-claim deed for the consideration of one dollar the following described property to the National Conference of Black Lawyers...the Community College of Law at...International Diplomacy in Chicago. The Department of...of Central Management has never attempted to sell this property in question because the property is located in the depressed area. The property was originally the Singer mansion, property of owners of the sewing machine company and the property was eventually donated to the State Board of Higher Education, and the board conveyed the property to the Department of...of Central Management in 1972 with the condition that the Col-

lege of Law be allowed to remain at the property and the College of Law has been located at the property since 1970. Now, the College of Law has been...certified by the Secretary of State as a general non-for-profit corporation since 1977 and the National Conference of Black Lawyers was certified by the IRS as a tax exempt under Section 501 of the International Revenue Code, and once...we added another amendment to this to stipulate that whenever this school decided not to remain...on this property, that it would go directly back to the...be reverted back to our State, and I...if there aren't any questions, then I would like to recommend that we adopt this piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, the question is, shall House Bill 903 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 52, the Nays are none, none voting Present. House Bill 903 having received the required constitutional majority is declared passed. 909, Senator Degnan. House bills 3rd reading, House Bill 909, Mr. Secretary, read the bill.

SECRETARY:

House Bill 909.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 909 amends the Chicago Sanitary District Act to increase from sixty days to one year the time period in which the civil service exam must be taken and an eligible list established after temporary appointment to the position where there is no eligible list.

HB 910  
3rd Reading

Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, the question is, shall House Bill 909 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 909 having received the required constitutional majority is declared passed. 910, Senator Degnan. House bills 3rd reading, House Bill 910.

SECRETARY:

House Bill 910.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 910 contains much of the same...verbage that was included in Senate Bill 614. It amends the municipal...Chicago Sanitary District Article of the Pension Code, removes the eight hundred dollar monthly cap on survivor's benefits and provides fifty percent of the pension benefits to the spouse, much like other pension funds. It also makes a two percent flat rate optional, includes an automatic increase beginning on the first anniversary date of retirement as opposed to the age sixty, surviving spouse's benefits are not terminated upon remarriage and allows employees to avoid early retirement penalty by making a one-time contribution. This is exempt from the Mandate's Act and the Illinois Economic and...Fiscal Commission recommends approval giving the current funding of seventy-eight percent of the fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

HB 932  
3rd Reading

All right, any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Just to...alert everybody, this is a twenty-six million six hundred thousand dollar accrued liability with a two million nine hundred thousand dollar annual cost.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I would also like to call the attention to the Body to a report issued yesterday that says the fund is funded at seventy-eight percent now, it was seventy-two percent last year. Absent any other questions, I'd move passage of House Bill 910.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 910 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 27, 8 voting Present. House Bill 910 having received the constitutional majority is declared passed. House Bill 932, Senator Degnan.

SECRETARY:

House Bill 932.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 932 as amended creates the Dietetic Practice Act. It removes...the amendment we put on earlier removes the medical society's objections, makes the profession subject to regulation and control, assures minimal competency. I'd be happy to answer any

HB 935  
3rd Reading

questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 932 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 932 having received the constitutional majority is declared passed. House Bill 935, Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY:

House Bill...House Bill 935.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This is a sort of a merely bill...no this is...this is the...the...the bill on the school district reorganization plan. If you will...if you will look on your desks, somewhere in your papers, you will see a yellow piece of paper, and if we can...quickly go down the...the major provisions, I...I think a lot of questions might be...answered. The major provision...first of all, all reorganization proposals will require the approval of a majority of the voters in each affected district. That was Senator Maitland's amendment which was successfully put on, that's each affected district before being implemented, which means veto power for...in another words. The other major provisions is, it shall...the reorganization committee will be created in each of the fifty-six downstate educational regions. The committees will be elected by the boards of education in each region. Now, the original bill called for a minimum of seventeen and a maximum of fourteen members;

that, too, has been taken off, each school district now will be represented on this board. Cook County will be divided into three subregions and Chicago is...excluded from this bill. The reorganization's committee will study the size and structure of the school districts in the region and report the recommendations concerning the need for reorganization to the State Reorganization Committee no later than June 30th, 1986. That, too, is a change in the original bill. Any reorganization plan recommended by the committee must be submitted to the voters for their approval. If approved, the...the plan must be implemented by July 1st, 1988. That, too, is changed. If the plan is rejected, the committee has a chance to go back, look over the map again, see if there is a...the objections of the voters can be met. They can resubmit another plan one more time, if it doesn't pass the second time, the reorganization committee will be dissolved. The dual districts combining to form a unit district will retain the same maximum taxing authority as the combined maximum taxing authority before they consolidated. There will be a 1.6 million dollar budget to provide...to assist local reorganization's committee to conduct their studies and the State Board of Education will serve as the State Reorganization Committee and will be responsible for procedures, providing statistical information, coordinating the work between the reorganization's committee and presenting an annual progress report to the Governor and the General Assembly. I don't believe, if you look at the bill the way it has been amended, that there is really anything in this bill now that...that prevents anyone from voting against it. If you look at the bill carefully, you will see what we are talking about basically is having people sit down locally, look at the map see if it indeed makes sense; if it does, I guess, they can just go home; if doesn't though, and I think in some cases it may not, submit it to our voters. As I say, the

main objection that I have been hearing on this bill and...and, believe me, I've gotten a lot of phone calls on it, is that the school districts are concerned that they would not have the veto power. This was granted in Senator Maitland's amendment. If you have any questions, I'd be happy to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. A question, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will yield.

SENATOR LUFT:

Does this bill repeal the existing laws by which school districts may consolidate?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

No, it does not, but the problem has been...it's been forty years since anybody has really sat down and looked at this map and made any sense out of it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Then I would like to speak in opposition to this bill simply because I think it's a little foolish to have two different ways to consolidate schools, one that is the existing law and one that we're setting forth here. And since the changes have been made, Senator, I hope that I...I'm not wrong in what I'm trying to say. But it is my understanding that when you do consolidate, the minimum number of students in that school district will be fifteen hundred. Am I correct? That's been changed? All right. Am I right in saying that this plan has to be submitted to the

State Board of Education for approval?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

It...it...all right, for technical...first of all, I'll answer the last question, for technical purposes only. It has to be submitted to the State Board to make sure that, you know, what they've done is technically right and conforms to the law, but those...that...that's all that's for. The other provision...no, also, and I'm glad you brought that up. It...it is...they are suggested guidelines but they no longer, again, are in the bill that you...I'm...we are mandating that there has to be certain sizes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Question. If, in fact, there are seven members appointed to the school consolidation district, two school districts choose to consolidate, those two members representing those...two school districts on that board vote Aye to consolidate, five other members vote No. Will that eliminate the plan?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

...in order to pass, it has to be submitted to the voters. Are you saying, though, if on the regional board there are five that vote No that they don't want to submit the board...submit the plan and two that say, yes, they do want to submit the plan? My...my handler says, he doesn't see that happening.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft, would you bring your remarks to a close?

SENATOR LUFT:

I just want to know if that can happen? I don't know whether anybody can see it happen or not, but I just want to know under this bill if that can happen?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Okay. All right...the...the joint committee has to agree on what is submitted to the voters, so...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft, would you bring your remarks to a close?

SENATOR LUFT:

All right. Based on that answer and other than having a dual system of consolidation and the fact that the two school districts that wish to consolidate may not be able to under this program, I would sincerely urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Fawell, of all the years that I've been here, I've never gotten the mail, the phone calls from the people in my district vehemently opposing this consolidation of schools. Now, I know there have been some amendments here, and whatever the amendments are, they're still opposed to this...to this action. And I wanted to tell you along with so many others that I think...it's a move you're going in the wrong direction, and I will certainly be voting No on this and see...and try to encourage others to do likewise.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to stand in opposition to this bill. I think that this is a...really a terrible idea but the problem with it is it's being sold to

us under the guise of being a reform and part of a reform package, a reform package based on a few studies, a few minuscule reviews of some fourteen schools throughout the State which say that in those schools where you have under five hundred kids in high school, they may not do as well. Well, if you draw the analogy to some of the small schools, their basketball teams don't do as well either. It...a lot depends on the caliber of the children that you have. The attitude that's taken is that...this so-called reform is going to help us downstate. It's kind of the attitude that, well, we got a bunch of hayseeds down there who don't know what they're doing, so let's help them out a little bit and give them this reform as part of this package. Well, I just want to say to those around Chicago who are rounding up the votes in favor of this so-called reform, please don't do us any favor downstate, you're certainly not doing us one and I just want to say that if this is reform, then we'll have none of it downstate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There's eight more speakers that seek recognition on this legislation. Senator Lemke. There's nine more now with Demuzio. Senator Lemke.

SENATOR LEMKE:

I rise against this bill. Basically, I thought maybe it just applied to downstate until we get around to look into Cook County. We have some successful small school districts in the City of Chicago and the quality of those students...out of those students that go to those small schools, the majority of them going to college and become a...accomplished people. I think this is a bad way to go. I don't think school districts should be...consolidated if they're successful financially and educationalwise, and I don't think that they should be consolidated with a bigger district that is more confused in what they're doing. And

the basic thing as I look at it is looked at what happened to the City of Chicago when they got away to the...away from the neighborhood school concept. The people failed to realize the importance of those schools in their...area and the schools started to go down and down and the neighbors didn't care about them. To this day, they still don't care about them, they don't participate in the athletic events, they don't participate in any of the activities. Now there is a drive to go back to these small neighborhood school areas because they actually contributed to the growth not only of the child but to the community and to the business in that community. I think this is a bad concept. I think small school districts should be left to exist and carry on their practices that they have done. I ask for a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom. We have now...ten speakers that seek recognition. Senator Bloom.

SENATOR BLOOM:

I'd...I'd move the previous question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom has moved the previous question, that's it. We have...Schuneman, Berman, Poshard, Daniel, Topinka, Lechowicz, Demuzio, Schaffer and Maitland. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'm not opposed to downstate schools studying...consolidation reorganization; in fact, I...I think that...that they should and we should. What I am concerned about are some of the numbers that were in this bill. In my district, we have some small schools who are looking at consolidation, some of them have one hundred students. There...I can think of three schools each of whom have about a hundred students in high school who are struggling with the question of whether or not to consoli-

date. A question of the sponsor and that is that...that on page 5 of the original bill, it indicated that the committee shall ensure that under the plan every school district will meet the following minimum criteria, and then it lists high schools of five hundred students. Is that still in the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

(Machine cutoff)...no, those are...what those are are minimum suggestions. They are not mandated and not mandated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay. My question is, has the language on page 5, line 3, been changed or does it still say that it shall ensure?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

No. The language has been changed, it no longer says shall...ensure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think it's important for us to rise above perception and look at fact, and I identify very strongly with many of my downstate colleagues that are apprehensive regarding any bill that would mandate that a quality small school district would be abolished under this bill. And if that was the fact, I would not be standing up in support of this bill, but let me suggest something to you, that is not what this bill does. This bill...this bill merely asks that a citizens' committee consider restructuring in order to...to decrease the number of school districts that we have in the

State of Illinois. Consider it, after that citizens' committee formulates a policy based upon suggested numbers, suggested not mandated, suggested numbers, any plan that they put together to decrease the number of school districts in that area must be submitted to the voters. If the voters don't like it, it goes back to that citizens' committee. If the citizens' committee doesn't come back with a second approved suggested plan and it's turned down a second time, that's the end of it. There is nothing mandated in this bill except to evaluate whether we ought to have less school districts in Illinois. We have a thousand and six school districts, ladies and gentlemen, we have the third largest number of school districts of any state in the nation. Regardless of how good your local school is, a good amount of money, State and local resources, are eaten up by the administration involved in a thousand and six school districts. We are asking in this bill that citizens' committees look at ways to cut that number, that's all this bill does. Now let me point out to you, in committee, three groups signed in in support of this bill and I'm usually not the spokesman for these three organizations on the Floor of this Body. Those three groups happen to have been the Illinois State Chamber of Commerce, the Illinois Farm Bureau and the Taxpayers' Federation. The reason that they have signed in in support of this bill is that they feel that in order to make meaningful progress...along the broad base of education reform, one element of that reform package ought to be to look at...to look at ways to...decrease the number of school districts that we have in Illinois. That's all this bill does. I would urge an Aye vote to look at ways to decrease the number of school districts.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With all due respect to my esteemed colleague, Senator Fawell, I rise in opposition to this bill, realizing of course that Senator Maitland's amendment has made the bill somewhat more palatable for those of us from rural areas of this State. Over two weeks ago, I listened to Superintendent Sanders testify to the Elementary, Secondary Education Committee. His remarks were based in large part upon a study recently completed by the State Board of Education and a study upon which I feel a large portion of this bill was drafted. The study indicated that high schools of approximately five hundred and elementary districts of somewhere around a thousand offered the best chance for educational opportunity and excellence in this State. Other studies which I have read over the years and have been completed in various parts of the country show no relationship whatsoever to size and educational excellence, but we choose to believe one particular study. This bill is being sold on the basis of educational quality. Compare, if you will, the children from our small rural schools against children from many of the larger city schools and let's see if our kids measure up. Are the scores of these children lower than the national average for SAT or SAT...ACT scores, national achievement test scores? They're not. Compare our children and the courses that they're offered, since the superintendent addressed several courses being offered in a school district as more applicable to educational excellence. Compare what our schools offer now against the State board's own requirements for what our children should have. The superintendent says we need more foreign languages. Well, how many foreign languages do the State...does the State board require right now for our children to graduate from high school. Do we meet that requirement? Of course, we do. How many...the superintendent says we need more courses on math. How many

courses right now does the State Board of Education require for our children to graduate from high school? Do our small schools meet those mandates? Of course, they do. What if they don't meet the mandates? Then they're out of compliance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...would you bring your remarks to a close?

SENATOR POSHARD:

We hear the contention we need to get back to basics. Our small schools have never left the basics. We have taught them, our kids still get them. The neighborhood school issue is always a problem. The small school is the glue that keeps our small communities together. A few years ago when busing became a big problem, the suburbs were the first people to cry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator.

SENATOR POSHARD:

I'm sorry, Mr. President, I will bring my remarks to a close. The neighborhood school is important to our people. It's where our people meet, it's where they...our civic clubs meet, it's where we attend ball games. It's where we meet to discuss our community problems. This bill is being sold on educational excellence, it has nothing to do with that. Our small schools do provide educational excellence. This is a first step in the wrong direction for our schools and I would ask that you vote against this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

WEEK-TV seeks permission to videotape. Is there objection? Hearing no objection, permission is granted. Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the Senate, I...I rise in opposition to this bill. In my senatorial district there are

forty-seven districts and only nine of the...of the forty-seven districts qualify...meet the minimum criteria of qualifications if this becomes law. And, you know, the...the small communities in downstate Illinois are having problems surviving now, all community activities are hinged around the schools in these small communities. Children will be bused for a longer periods...of time as a result of...of this legislation, and one of our big concerns is the cost. Who's going to pay for it? And maybe if we don't...if we do vote it down two or three times and this becomes law, we're fearful that probably...probably we will be more or less stormed or...or forced to...to consolidate later...further down the line because funds will probably be withheld. I...oppose this bill very much and I...I hope that the other members will also.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz. Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I stand in support of this bill. I think it allows for a lot of public participation and broad range input. It's fair in that it can be rejected. Not only that, it's a good idea because I don't how one can consider educational reform if the basic system is automatically skewed to have a problem of basically proliferation, inefficiency, duplication and fragmentation all the way across the board. I don't see how people can possibly afford to keep these kind of school districts going in this particular fashion. In districts that we have in our district right now, we have schools that don't have enough kids. The public will not pay for referenda to keep these schools operating, financially they're bused. They don't have enough kids, they're supporting half empty or almost empty schools and it can't go on this way. I think before we start looking at this, we're...you know, in

general, in terms of school reform, we're going to have to realize that it may be painful, it may be emotional and we may have ties to our old school district, but if all we're trying to do here is keep together maybe a basketball team or old school colors, it's a damn expensive way of doing it. And I think it's time we just look at this seriously, it's a fair maneuver, it can be rejected by the public. We kick it around every year, now it's time to do something about this and I would encourage its support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Rock said he waived me his time. I'd like to ask the sponsor one question, if I might. Senator Fawell, Senator Schuneman made mention a few minutes ago relevant to page 5, line 3, saying that the...the plan shall ensure...that under the plan every school district will meet both the following minimum criteria for the appropriate type, which in fact means...enrollment and assessed valuation, so it in fact is a mandate that those are...are there. They are...they are not discretionary at all, says shall...can you tell me why the enrollment for the secondary schools are at five hundred and why at the elementary we have established, say, at minimum level of a thousand and that the unit districts why we have to establish a minimum enrollment of fifteen hundred?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

...on...in Amendment 2, have you got that? Amendment 2, line 19, page 1,...(Machine cutoff)...you know, if you want to come over and peek over my shoulder, like the company. It says, "Will meet the following minimum criteria for the appropriate type unless a justifiable exception is stated." And in another portion of the bill it said, "unless fea-

sible."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Okay. Then...then tell me, what do you mean if...in terms of if it's feasible? Who...who...makes the determination as to the feasibility?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

If...if the kids are going to be on the buses too long, you know, there's all kinds of reasons I'm sure why this would not be feasible in your...in your districts.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, first of all, I...I don't know who determines this feasibility. I guess this wide discretionary power is somehow rather granted to the State Board of Education or to the...the State board that is supposedly going to be created as a result of this reorganization committee. Let me suggest to you...and I think every person in here understands the geographics of where we are and how this is going to affect us, and I think we've heard that rhetoric already today. But let me just suggest to you, I have on the west side of my senatorial district, the 97th House District, there are three...three school districts in there that meet the minimum criteria that's provided for in your bill. That would mean in some instances I would have to have even one or two counties that would have to transport kids to a different county, to a different school just in order to meet the minimum criteria that is in your bill. Now, you say that this is voluntary, I say...and suggest to you that your bill indicates that it is mandatory. I think this is bad legislation, I

would ask my friends from the city to simply just to lay off of this bill, this ought not to be part of their reorganization package and I think it's certainly is not in the interest...as a matter of fact, Senator Fawell, if I were from the city, I would want the reorganization of school districts simply to...the consolidation issue to remain as it is, because under the existing Statute it says, that the school districts involved that the vote is simply a majority of...of all of those combined. Under this bill, it says...and, of course, it's much better for a downstater that under this bill that...all of the school districts involved, if it's two or three or whatever, have to carry the vote. So it seems to me that 935 is not in the interest of...of downstate legislators and I would hope that our friends from the city would not vote on this particular piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer. Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. Without question, this is one of the most emotional issues I think we've dealt with this Session. That can't be ignored, but let me attempt to dispel a couple of the statements that have been made on the Floor this afternoon and have been made by people who I've had the privilege of debating this issue with out in the Rotunda in the last few days. Without question...without question, people come to us and say, if we reorganize the schools and move that high school out of our community, the community is going to die. Senator Poshard, you are an educator and you made that statement, but let me suggest to you that the Cheverolet dealer is gone, the John Deere dealer is gone, that's happened in our small communities because of economic reason. It's a fact of life, changing times, and if we are to suggest that the only thing that holds that community...together is

the school because that provides an opportunity for people to go to meet, then I would suggest to you and others that we are not concerned about the education of boys and girls. That is a terrible reason to suggest that schools should remain in a small community. Let me also address the issue of the ACT scores, the fact that in many small schools the ACT scores are higher as an average. Again, those of you who are educators and know the makeup of those small school districts recognize the fact, if you will, please, that they don't enjoy some of the problems that the larger urban school districts have and the very makeup of those young people. They are a bit brighter and naturally will have a higher ACT score. Is that the suggestion, it's the high school or the grade school that causes that to happen? Of course not, it's not a fact at all. If you are suggesting to that child that in high school he or she can only have thirty or forty...access to thirty or forty courses, what have you done to that child? Compare that with access to seventy or eighty courses and how much brighter that child might be and how much brighter that child might do in the future. We have to consider that. I have a lot of small rural school districts, just as Senator Demuzio has and Senator Welch has, and this is a tough issue for me. That's why the amendment went on that suggested that this referendum had to pass in every school district affected. I agreed with you and we have done that. What more can you ask? With respect to funding, I would love to go out to my small school districts and promise them more money, but I can't do that, two reasons. Number one, their cost per student is so high that I can't sell that in this General Assembly, and the legislators on that side of the aisle who spoke against that bill have the same problem as I do; but I can promise them that in the future as we begin to consider school district reorganization, we will in fact reward them as we have been trying

to do in the past with legislation that addresses that concern and as they become more efficient, as they...begin to provide more courses for kids, the money will be there. That's important, it's boys and girls we're talking about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland, would you bring your remarks to a close?

SENATOR MAITLAND:

Yes, sir, Mr. President. I said at the outset, it's an emotional issue and I understand that. We are in a Session where we are dealing with educational reform. If we are concerned about the future of education in Illinois, school district reorganization is one of those areas, not a mandate, but it has to be considered. This is good legislation, effective legislation and I urge your support for House Bill 935.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell may close.

SENATOR FAWELL:

Thank you, very much. I would like to answer a few of the questions that have been brought up in the debate. First of all, I, too, have received a lot of phone calls and a lot of mail on this issue, including, very frankly, a couple of school districts in my district that possibly could be affected by this legislation. Bottom line is they do not know what the bill says in its present form and I think if you ask or you talk to most of these people...and, believe me, in the last two or three days I have been talking to people from all over the State. They do not know about, for instance, the veto ability of school districts to opt out of this reorganization plan if they don't want it. We are...

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR DEMUZIO:

Well, I don't know of any opt out provisions that are in this bill, Senator. Voluntary opt out of school districts, you must be on a different bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Fawell is on closing remarks. She's within her right. Senator Fawell.

SENATOR FAWELL:

What...what I am referring to is the fact that if one school district does not want to consolidate, with...with Senator Maitland's amendment, they may indeed not join into the consolidation. That's what that amendment is all about, each district must in their...within their own confines of their own district pass this plan within their own district. So, indeed, there may be such a thing called a veto power by a smaller district who decides they don't want this...there have been some mentions about the fact that this will only basically effect southern Illinois, this is not true, this will effect my district. I have somewhat the opposite problem perhaps as some of you do, I have one town in my school...my...in my district that has fifteen thousand people and three high school districts within it, for the simple reason that twenty, thirty years ago that town did not exist, and I think it's only fair that that town would be able to look at their map and decide if that's indeed the way they want to go or do they want to join under the auspices of one high school. There are no minimum requirements in the bill anymore. You, if you want to, can keep your neighborhood schools in...certainly your grammar schools, we're not talking about busing people two and half or three hours such as has been suggested to me by some of these phone calls. What we are talking about is look at the idea of a unit district. There are advantages in a unit district. If you've got five school districts feeding into one high school, shouldn't the children all arrive at the high school in the

H.B. 957  
3rd reading

same...with the same background, the same knowledge? There was talk about languages and the fact that a...a school between four hundred and five hundred can offer as...as good a language program. The statistics that prove that that's not true.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, would you bring your remarks to a close?

SENATOR FAWELL:

All right. We are talking about education reform, this certainly is an ingredient that must be considered. All we are asking is that the people in the State sit down and look at the map and try and make some sense of it. If you think it's sensible, if your people think it's sensible the way it is, fine, keep it the way it is but at least let's...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...the...the...the question is, shall 935 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 27, the Nays are 27, 1 voting Present. House Bill 935 having failed to receive the constitutional majority is declared lost. For what purpose Senator Fawell arise?

SENATOR FAWELL:

...postponed consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell seeks leave of the Body to postpone consideration of 935. Is leave granted? Hearing no objection, leave is granted. House Bill 949, Senator Chew. House Bill 952, Senator O'Daniel. House Bill 957, Senator Lechowicz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 957.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and...Gentlemen of the Senate. Senate...House Bill 957 would permit a person who has served in the Vietnam Veterans' Organization or the Polish League of American Veterans to be able to serve on the Veterans' Assistance Commission. That's all this bill does and I encourage your Aye vote.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 957 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 56 Ayes, no Nays, none voting Present. House Bill 957 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 964, Mr. Secretary.

SECRETARY:

House Bill 964.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, the...this amends the Illinois Purchasing Act. It requires that...State advertisements for bids to approximate the number of days between a contractor's or vendor's submission of a bid and the State's payment be published. It would require each advertisement for a bid in the...in the official State newspaper to include the estimated timetable

for payment and it basically notifies potential vendors when to...expect payment for services rendered. DCMS has no problem with the bill. I don't know of any opposition.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 964 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 54 Ayes, no Nays, none voting Present. House Bill 964 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 971. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 971.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 971 as amended does three different things. The original bill increases penalties for theft of property where there have been prior convictions for robbery, armed robbery, burglary, residential burglary or home...home invasion. That was the basic bill. In addition to that, Senate Bill 646 which passed this Chamber 53 to 1 has been added to it which creates...new crimes dealing in stolen property and possession of altered property and includes profit forfeiture provisions for those who commit those crimes. In addition to that, this bill was amended to incorporate Senate Bill 632 which is an attempt to broaden the Illinois Death Penalty Statute somewhat by adding an additional aggravating factor to the eight which already exist under that Statute. The additional factor reading that

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. It is this last provision dealing with the death penalty which might...warrant some attention. We've had a debate twice, first when this bill passed and second one, this amendment to House Bill...971 was put on regarding any possible constitutional challenge to this death penalty provision, and on both occasions I pointed out that this language is taken in large part from a Florida Statute which has been...the constitutionality of which has been upheld by the Supreme Court in that state and also by the U.S. Supreme Court which denied an appeal to review the case. I'd be happy to answer any questions, otherwise, would urge a favorable roll call.

PRESIDENT:

Any discussion? Senator Sangmeister.

END OF REEL

REEL #6

SENATOR SANGMEISTER:

Well, thank you. Once again, I'm sure it's like...as we say, spitting into the wind, but, again, this provision...I don't know how many bills Senator Barkhausen has attempted to put this on, but in my opinion, and I think most of us over here are of the opinion, at least, that that particular provision is jeopardizing, in my opinion, the death penalty section of the Illinois Statutes and I think we're taking a chance by practically saying that every homicide is a death penalty case and as much as we'd like to believe in that, we...the Supreme Court, God's world, never will.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

I, too, join with Senator Sangmeister. This...you know, it's well-intended, this particular provision, but it's got serious constitutional problems and I think it has the exact opposite effect of what the sponsor intends and so I...I would join Senator Sangmeister in standing in opposition to this and I urge that it be rejected. Thank you.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I guess it's the three musketeers, 'cause I join in opposition too. The people who really know best about this are the law enforcement officials and I haven't received any phone calls or any testimony in committee from law enforcement officials or judges that said, we need this, we need this on our Death Penalty...Statutes. We've already got Death Penalty Statutes on there. They have been found con-

stitutional. The Supreme Court has given us guidelines...this...this legislation does not fall within those Supreme Court guidelines. It's not needed by the law enforcement officials or the judges. It is unconstitutional. I think we're being very irresponsible to pass this legislation and if you don't want to vote No, then perhaps, for some of you, especially on the other side of the aisle, a better vote would be Present.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, murder is murder no matter who is being murdered, and I think what the amendment in this bill does assures us that whoever does a horrible, dastardly act should account for it. I don't think there's anything wrong with it. I think...it's high time we stop mollycoddling the defendants who...commit murder and since...it has already been upheld, this particular amendment, the basis of it has...has been upheld by the Supreme Court of Florida, I believe. I think it's worth giving it a chance. I speak in favor of the bill.

PRESIDENT:

Further discussion? Senator Barkhausen may close.

SENATOR BARKHAUSEN:

Mr. President and members, just quickly responding to those who...who assert that somehow this bill may be unconstitutional, I think it's sort of presumptuous for some of us to suggest that this might be unconstitutional when, in fact, the constitutionality of almost this exact language has been upheld by the highest court in the land. Who are we to speculate it and on some subsequent case brought before it the Supreme Court is going to reverse itself? Now I appreciate that there are many of those here in this Chamber and those in this State who have moral objections to the death penalty,

that may be one basis for opposing this bill, but I think it is false to suggest that this bill is unconstitutional; and those who feel strongly that we ought to have a death penalty and that we ought to have some teeth in it, I think they should be supporting this bill, and I urge a favorable roll call.

PRESIDENT:

Question is, shall House Bill 971 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 43 Ayes, 12 Nays, none voting Present. House Bill 971 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 975. Read the...I beg your pardon, Senator Friedland, for what purpose do you arise?

SENATOR FRIEDLAND:

Thank you, Mr. President. Just briefly, I see a colleague from the House here with a tear in his...

PRESIDENT:

...Senator Friedland.

SENATOR FRIEDLAND:

Briefly, I see our colleague from the House here, Representative White, with a tear in his eye, I'm not sure what he's doing but we're glad he's here. Come back again next year.

PRESIDENT:

On the Order of House Bills 3rd Reading is House Bill 975. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 975.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this does is amends the Criminal Code to revise and toughens the law on a legal automatic weapon. Prohibits sawed-off rifles from being used. I think it's a good bill. I ask for its adoption.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 975 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 49 Ayes, 4 Nays, 1 voting Present. House Bill 975 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading, the middle of page 10, is House Bill 949. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 949.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President This bill restores the provision that was taken out in 1981. Came out of committee a unanimous vote. There's no opposition. I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Barkhausen. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Marovitz.

SENATOR MAROVITZ:

Well, what this bill does, its...it takes away the authority from municipalities...it takes away the authority from municipalities...the authority to license motor vehicles used to transport students from schools. It also takes out provisions dealing with the ability of municipalities to charge fees for registering vehicles for vehicle stickers. What I want to know is why we want to take away the authority from the municipalities to license school vehicles, vehicles that transport students and why do we want to take away the authority from municipalities to charge a fee for sticker for these vehicles for kids that transport the kids in their own municipalities? Why are we doing that? Isn't it in the best interest of kids that the municipalities have some licensing...power?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Senator, you know very well that these vehicles...and we're only talking about school buses that are licensed by the Secretary of State. Now, if we want to play some game or from any further cause, let's play the games, but let's not emasculate the bill simply because you want to play games. You know it as well as I do and if you'll read the last analysis on the page, which you should have one; if don't, I have it. This bill restores provisions prohibiting a...municipality from licensing the school buses enacted in 1981, restores. Right. It restores the provision. That's right.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I agree with you, Senator Chew, it restores the provision prohibiting the licensing of school buses from municipalities. We are in agreement. It does restore the provision

that prevents municipalities from licensing school buses, just as I said. Why are we doing that? Shouldn't municipalities have the right to license their own school buses that transport the kids in their municipalities? Shouldn't they have the right to charge a fee for a vehicle sticker...if they...if they want to? Why are we taking this privilege away from them? It's their kids.

PRESIDENT:

Senator...Senator Chew.

SENATOR CHEW:

Senator, this does not affect the City of Chicago. House Bill 15 did that in 1981, and ten of the House bills deny home rule to municipalities. That was all changed and only deals with municipalities with less than one million inhabitants. He...

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, I know what the bill does...I'm glad that you now know what the bill does. I know what the bill does and the fact that it doesn't apply to municipalities over one million has nothing to do with what I have talked about, nothing whatsoever. The fact is, municipalities outside the City of Chicago no longer under this provision would have the right to license school buses in their municipality and they can't charge a fee for vehicle stickers in their own municipalities that take their own kids. I don't know why we're doing that.

PRESIDENT:

...further discussion? Senator Hall.

SENATOR HALL:

Well, Senator Chew, it certainly upsets me when I see that you're going to force something like me...you say that because it excludes Chicago, but look what you're doing to us downstate, and you mean to say that we are going to be pro-

hibited from licensing school buses? Well...well, this is a terrible move and I certainly oppose this, and I think everyone else downstate ought to be opposed to it because what you're doing is saying exactly what Senator Marovitz is doing, and this...everyone of us should...should be voting No on this. It's bad. If it's good for one part of the State, it ought be good for all parts of the State; if it's bad for one part, it's bad for the other, and this is a bad bill.

PRESIDENT:

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

SENATOR CHEW:

Mr. President, in committee we had people to come in and testify. The municipalities do not want the regulation. They're regulated by the Secretary of State. No one from any part of the State opposed this regulation. No one, let me emphasize, from any part of this State opposed this bill. It came out of the House with seventy-six votes, came out of committee in the Senate with a unanimous vote, no one opposed it and I don't know of any opposition other than the two questions that were asked. If the municipalities wanted that authority, this would have been the time to say we wanted it. The case would not have been changed. I have no personal interest in the bill, period, and I would ask for a favorable roll call.

PRESIDENT:

Question is, shall House Bill 949 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 9 Ayes, 41 Nays, 3 voting Present. House Bill 949 having failed to receive the required constitutional majority is declared lost. Top of page 11, there are only fifteen pages to go. House Bill 982, Senator Kelly. On the Order of

*MB 982  
2nd Reading*

House Bills 3rd Reading is House Bill 982. Read the bill,  
Mr. Secretary.

SECRETARY:

House Bill 982.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I, first of all, want to express my gratitude to Senator Savickas for allowing me to be the Senate sponsor of House Bill 982. This bill provides for a nonreferendum tax increase for unit districts for educational and transportation purposes over...based over a four-year period. The bill attempts to address the concerns...combined maximums on nonreferendum tax rates for dual districts that are higher than the unit district tax rates. This legislation is a product of the House education reform package. It's supported by every educational group, including the State Board of Education. It would facilitate the consolidation of school districts. Other than that, I'd be pleased to answer any question that you might have and would ask for your support.

PRESIDENT:

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Did I understand you correctly to say that there is no referendum provision on this bill?

PRESIDENT:

Senator Kelly.

HB 1000  
3rd Reading

SENATOR KELLY:

Yes, there is a back-door referendum on this bill but not a front door.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

You say there is a back-door referendum on this bill? Can you give me the...what...how many signatures or what have you that you need on it?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

It's just the general number, that's it.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall House Bill 982 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 11 Nays, none voting Present. House Bill 982 having received the required constitutional majority is declared passed. 1000, Senator Joyce. On the Order of House Bills 3rd Reading is House Bill 1000. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1000.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. House Bill 1000 amends the worker's right to know...to bring it into agreement with the recent court decision which ruled that the Act was preempted

by the Federal OSHA. This amendment strikes all references to worker's rights and retains only the provisions...which require material safety data sheets to be filed with the Department of Labor and there's no additional requirements placed on industry or on the State. Now the second part of the bill...Senator Schuneman had a...provision allowing the EPA to reduce the number of samples required from a community water supply system serving twenty-five to a thousand people and...determining the appropriate sampling frequency, the EPA may utilize the appropriate Federal...provisions. I'd be happy to try and answer any questions if there are any.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 1000 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 57 Ayes, 2 Nays, none voting Present. House Bill 1000 having received the required constitutional majority is declared passed. House Bill 1010, Senator Vadalabene. On the Order of House Bills 3rd Reading is House Bill 1010. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1010.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. The intent of House Bill 1010 is to have the Law Enforcement Merit Board become independent of the Department of State Police. The Fraternal Order of Police is supporting this measure because it is their belief that the board will be

able to better evaluate disciplinary measures if the board is truly independent, and I would appreciate a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 1010 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 55 Ayes, no Nays, none voting Present. House Bill 1010 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 1012. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1012.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Yes, this bill permits counties, municipalities and townships to appoint a local historian for the purpose of preparing and publishing local history, preserving and protecting local historic records, artifacts and edifices and documenting local current events. In Chicago it permits a local historian to be appointed in each community area. The bill is totally permissive, is patterned after a current law in the State of New York and should do a great deal to augment our new Department of Historic Preservation and the people who are appointed local historians will work without compensation but will also send their reports to our State historian and we will probably be able to tie the history of Illinois together very nicely without an expenditure.

PRESIDENT:

Any discussion? Is there any discussion? If not, the

question is, shall House Bill 1012 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. House Bill 1012 having received the required constitutional majority is declared passed. 1018, Senator Collins. On the Order of House Bills 3rd Reading is House Bill 1018. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1018.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. Senate Bill 1018 amends the...the Minority and Female Enterprise Act and strengthens that Act to prohibit or to minimize the possibility of persons fraudulently obtaining public money reserved for minority or female owned businesses. It is identical to Senate Bill 995 that was sponsored by myself. It went out of here on the Agreed Bill List and I think it's on the Agreed Bill List in the House now. I know...Central Management Service is, in fact, in support of this bill. The only difference in the two bills, the penalties are a little steeper on this one. I know of no opposition and I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 1018 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 56 Ayes,

no Nays, none voting Present. House Bill 1018 having received the required constitutional majority is declared passed. 1020, Senator Joyce. On the Order of House Bills 3rd Reading is House Bills 1020. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1020.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. House Bill 1020 creates an income tax checkoff system whereby a taxpayer may contribute one dollar of his refund or two dollars on a joint return for use by a major political party. Requires the designated fund to be deposited in the Election Campaign Fund of the State Treasury. Requires an annual appropriation of money to this fund to the State Board of Elections and requires the SBA to disburse the money to the State Central Committee of the political party. Makes all candidates of the party except those receiving Federal matching funds eligible for the funding, restricts the use of funds to defraying campaign expenses, prohibits funds from being used in a primary. The bill would establish an...an add-on check-off system whereby a taxpayer could assign a dollar of his refund, not his tax liability. In the year...in tax year 1983, the most recent tax year for which complete statistics are available, taxpayers checked off nine hundred and thirty-six thousand dollars. This bill is modeled after a California law. At least four other states, Maine, Massachusetts, Montana and Virginia have had such a check-off system. The definition of political party effectively restricts the bill's application to the Democratic and

Republican parties. Most importantly, the bill would significantly enhance the power of the Democratic State Central Committee which would disburse funding to be eligible...to eligible candidates. The Republican State Central Committee, with it's far greater financial resouces, would be less the beneficiary. I ask for your support.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS:

I move the previous question.

PRESIDENT:

All right, we've had three members indicate they wish to speak. Senator Friedland. Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. That was an eloquent if very rapid description of what this bill does, and if anything, this bill, I believe, is worse than the one we heard earlier today. This does, indeed, leave to the State Central Committees the distribution of these monies. There is no assurance that those candidates who really do need money are going to get the...the dollars available. It is unclear. It...not specific enough, in my opinion, for us to even consider such a thing in Illinois. We are a major State, we are a pivotal State for elections and I think that this bill, indeed, just goes so much too far, that I do hope it is totally rejected by this Body.

PRESIDENT:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I...I thought that Senator Netsch's bill was bad, but this one even tops that. Can you imagine that? We're going to allow people to finance political parties. Ten years from now, if we would pass this monstrosity, we would

have the John Doe party, the Mickey Mouse party, the farm party, the labor party, there would be more parties than Carter's got liver pills. Quite frankly, it's a very, very bad idea. I'm surprised of the...of the Senate sponsor and I happen to be a broken down county chairman. You know what they say, old county chairmen never die, they just smell that way.

PRESIDENT:

Further discussion? Further discussion? Senator Joyce may close.

SENATOR JEROME JOYCE:

Well, Senator Philip, you're right...they're...they're...I had some doubts about sponsoring this legislation 'cause I wasn't quite clear in my mind of what side of the aisle I was...going to be sitting, you know, but I think what most recommends this legislation to this Body is that Senator Rock in the 83rd General Assembly sponsored the same legislation and we all like parties and we all like Senator Rock, and what else can I say, I'd like to see the Democrats vote for it.

PRESIDENT:

Question is, shall House Bill 1020 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. House Bill 1020 having received the required constitutional majority is declared passed. 1027 was on the recall. 1033, Senator Degnan. On the Order of House Bills 3rd Reading is House Bill 1033. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1033.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 1033 does precisely what the Calendar says, amends the School Code to require advertisements to hire employees to replace striking employees to state that a strike is in progress. Precisely the same rules we have in effect for private enterprise under Chapter 48 of our Statutes. Be happy to answer any questions.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 1033 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 54 Ayes, 1 Nay...55 Ayes, 1 Nay, none voting Present. House Bill 1033 having received the required constitutional majority is declared passed. It...yes, I'm sorry, I...it was on the recall list but it was not, in fact, recalled. Is that the idea? Okay. Then, that's fine. On the Order of House Bills 3rd Reading is House Bill 1027. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1027.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill will amend the School Code as to downstate...districts. The bill prohibits school districts from considering residency in determining the employment of any noncertified employee. The bill does not

affect the City of Chicago in its present form and it provides that residency within any district shall not be considered in determining the employment, promotion or compensation of any noncertified employment, and I would move adoption...or passage of the bill.

PRESIDENT:

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. A question of the sponsor, if he'll yield.

PRESIDENT:

Sponsor indicates he'll yield, Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Welch, I was...we had a...a...an amendment on that bill and...and you elected to take that amendment off and I...and I'm wondering is there a reason why you don't feel that it should pertain to all school districts in the State?

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, I didn't take it off. That amendment...as you recall in committee, in order to get the bill out of the committee, I had to agree that the amendment would go on. Then, when it got to 2nd reading, you put on the amendment putting Chicago back in and Senator Berman requested it be put on the recall list to take it back off, and then just a minute ago, you had it on recall list to put it back on. It seems to me that you guys are fooling around with my bill and I don't like it, so that's the reason.

PRESIDENT:

So there. Senator Maitland.

SENATOR MAITLAND:

I...I didn't know that. Well, we...we just simply felt

that if it was good for downstate, certainly it was good for School District 299. I guess we've lost that battle. So, I would just remind the Body that we've dealt with this issue before. I think it's...it's a concept that we should oppose and I would urge opposition to House Bill 1027.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. Speaker. I stand in support of the bill. I think it's an excellent bill for those areas that need it, Senator Welch is speaking for them and I will add my Aye vote.

PRESIDENT:

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

SENATOR WELCH:

No.

PRESIDENT:

Question is, shall House Bill 1027 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 34 Ayes, 22 Nays, none voting Present. House Bill 1027 having received the required constitutional majority is declared passed. 1034, Senator Welch. On the Order of House Bills 3rd Reading is House Bill 1034. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1034.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is establish a new scholarship program in the State Board of Education for qualified students in teacher education and training programs at universities and colleges, both public and private by amendment, and community colleges. The eligibility requirements for the scholarships are...stated in the bill. It's limited to five hundred scholarships each year. They will not be...a cumulative number. The stipend of...shall be equal to the tuition, private schools shall not be able to obtain more than the average tuition at the public schools and...the bill was amended in committee, and I would move passage of House Bill 1034.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall House Bill 1034 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 54 Ayes, no Nays, none voting Present. House Bill 1034 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading, bottom of page 11, is House Bill 1037. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1037.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1037 is a part of the reform package that we've been dealing with for several weeks and we debated most of the issues on this bill on 2nd reading as they went back on and generally, the components of House

Bill 1037 now contain the...much of the language that was in Senate Bill 351 when it left this Chamber. It's my suggestion, Mr. President, that since we are...involved in the...in the summit conference on education now, that the bills be allowed to pass out of here with limited debate, keeping in mind that this is going to be handled in a Conference Committee anyway, and I think that would speed up the process.

PRESIDENT:

Any discussion? Good suggestion. The question is, shall House Bill 1037 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 59 Ayes, no Nays, none voting Present. House Bill 1037 having received the required constitutional majority is declared passed. Top of page 12, on the Order of House Bills 3rd Reading is House Bill 1038. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1038.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERNAN:

Same explanation, same vote.

PRESIDENT:

Question is, shall House Bill 1038 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 55 Ayes, 4 Nays, none voting Present. House Bill 1038 having received the required constitutional majority is declared passed. 1045, Senator Lechowicz. On the Order of House Bills 3rd Reading is House Bill 1045. Read the bill,

Mr. Secretary.

SECRETARY:

House Bill 1045.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill...1045 is JCAR's...one of JCAR bills. And basically what it does, it amends the Environmental Protection Act revolving its conflict with the Illinois Administrative Procedure's Act by allowing the Pollution Control Board to amends its rules in response to an objection or a suggestion of the Joint Committee on Administrative Rules where the board finds that such objections or suggestions of the Joint Committee, one, relate to the statutory authority upon which the regulation is based, whether the regulation is in proper form or whether adequate notice was given or, two, that the record before the board is sufficient to support such a change without further hearing. The language has been amended to address concerns of the board and their position on this bill as amended is neutral. This was a strong recommendation by JCAR, was originally on the Agreed Bill List, was removed for, I don't know why, and I believe it merits your support.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1045 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 59 Ayes, no Nays, none voting Present. House Bill 1045 having received the required constitutional majority is declared

passed. 1067. On the Order of House Bills 3rd Reading is House Bill 1067. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1067.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this amends is the Probate Act, extends the existing presumption that an adopted child is a natural child for the purpose of probate to include instruments dated prior to September 1st, 1955. I think it's a...a good bill and it provides protection for the fiduciaries. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senator Geo-Karis earlier this Session had a Senate bill that did substantially the same thing and we defeated it. Now, let me just try to refresh your memory very quickly. Because of...and I'm reading from a...reprint from a...an article in the Chicago Bar...the Daily Law Bulletin. Because of one Minnesota person who, I am told, stands to gain substantial inheritance if we pass this bill, we are being asked to change the ground rules under which Illinois residents prepared wills and trust agreements thirty years ago. Some of those agreements cannot be rechanged. I must presume, and I think this was the argument that we put forth before, that when somebody prepares a will involving millions of dollars, they go to very competent, high-priced, expert counsel. That counsel prepares those wills understanding fully the law and that is the basis upon which that will is executed. This is not, ladies

and gentlemen, a debate between whether you want to help adoptees or hurt adoptees. It is a question of whether we are going to be consistent and allow people to exercise their desire in the preparation of wills as existed thirty years ago, thirty years ago. I think it is very unfair for us to consider changing the ground rules thirty years after the fact. Regardless of where the equities may lie, people must rely upon the dependability, reliability of the law. Just as I opposed Senator Geo-Karis' bill, I must stand in opposition to Senator Lemke's bill. The facts are the same, it's not fair to change the rules thirty years after the game has been played. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sommer.

SENATOR SOMMER:

Mr. President and members, I...I do note that both the Illinois Bar Association and the Chicago Bar Association have taken a position in opposition to this proposed legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you. Perhaps you ought to gavel down the lobbyists outside the...the Chamber, Mr. President. I rise in support of this bill. I think you have to understand one thing, and this bill does a very simple thing, the public policy of this State is to presume that adopted children will take as natural children unless there is language to the contrary. We decided that in 1951, and to me there appears to be no reason to differentiate between those children before 1951 and those after. All we're saying for the adopted children prior to 1951, put them on the same level as the children that were adopted after 1951. What is the magic in the 1951 cut-off date date? Now, Senator Berman indicated to you that he could not support Senator Geo-Karis' bill, I couldn't either.

For one reason you were exposing...you're possibly exposing the fiduciaries to some...some exposure...legally in the construction of these instruments. However, this bill has got complete protection in it and no fiduciary will be hurt whatsoever under the terms in this bill. Truly, this has been brought to our attention by a particular case that has been pending in...in Chicago, but there's nothing unusual about that, a lot of things are brought to our attention because one adopted child or possible adopted children may be involved. We are certainly not changing the...the ground rules, as I see it. The ground rule is, from 1951 on you are...you...as adopted children, it was presumed that the party that made the instrument knew that adopted children were to take as well as natural children. What difference is there between that presumption before 1951 and after? I cannot possibly understand how that presumption could make any difference between the two years. I agree with you, if the...if the fiduciaries were left hanging out on this it would be one thing but they're protected in this bill. All we're saying is, for God's sake, what's the difference between an adopted child before and after '51? It's really that simple. And as far as the bar associations being against it, obviously, they can be lobbied by the fiduciaries across this State who still do not want to change the law; and maybe we ought to follow all the presumptions we've always had here, any time the Illinois and Chicago Bar endorses it we go the opposite way and we certainly ought to on this legislation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, to follow up the remarks of Senator Sangmeister, I rise in support of this bill. I...I think...contrary to what Senator Berman said, I think it's

too much to expect that all lawyers or even most lawyers when they wrote the wills or the trust documents prior to 1955, had in mind the remote possibility that in the case of the so-called testator in the case of a will or the so-called settlor in the case of a trust document that those individuals at some point might have...descendants or even collateral descendants or beneficiaries who might be adopted children. I don't...I think it's a little bit too much to expect that even in most situations attorneys drafting these kinds of documents would anticipate...a fairly remote contingency because we're not talking here about direct descendants such as children, we're talking about grandchildren or even more remote relatives. As a matter of public policy, I think this Body would want to go on record of including adopted children as beneficiaries, and I think this bill also, it's fair to say, is much better than the earlier bill not only because the amendment was added protecting fiduciaries but because an additional amendment was added to take care of those situations where a testator or where a settlor in the case of a trust has...has made an attempt to provide for adopted children anticipating that they would be excluded by the will or by the trust document, so that protects a certain number of situations. For all of these reasons, I would urge all of you in spite of the position of the bar associations to support this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and gentlemen, we still have four additional speakers and a hundred and seventy-five bills to go. Senator...Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I rise in opposition to this bill. The one thing that we're not talking about is what went on in the settlor's mind at the time he executed the will. And the law prior to 1951 said that adopted children

should not inherit as natural children, that was the law. So this man drew up his will prior to 1951 thinking that that was the law, and, in fact, it was the law. Now if he wanted to provide for an adopted child, he could have provided for that child in his will. The fact that he did not so provide would indicate his intention was to not provide because the presumption was what it was. Now we want to change the law regarding those instruments drawn prior to that time. And we want to change what that settlor intended. Now that's not fair to that man. That man relied on the law at that time, and we're changing what he intended in his will for one person that lives in Minnesota and hired an Illinois law firm to come here and pursue this legislation before this Body. It's not right, it's not fair, and it's not just. Don't vote for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Bloom.

SENATOR BLOOM:

I, too, am constrained to speak against this because of some information that was put out by some of the prior speakers. This bill does not, as some of the prior speakers state, treat all adopted children the same. It has a nonapplicability to pre-1955 vested rights, and that is differing treatment. And I think the factual situation as outlined by Senator D'Arco is a little more accurate. This is in far better shape than the Senate bill that we did, in deed, defeat. However, it still, I would suggest, is subject to the same...ultimate constitutional infirmity. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR GEO-KARIS:

...Mr. President and Ladies and Gentlemen of the Senate, Senator...the other side was right. My...I had a prior bill,

my...my bill wasn't as good as this one. This is a good bill because...it had two very contested hearings and the third time we...when we called the bill, it passed...if they...if they were late coming into here...meeting it was their fault, those who were opposing it, not ours. I might tell you that this bill limits a trustee's duties and liabilities, provided that...no trustee or fiduciary under an...instrument executed prior to September 1, 1955 is liable to any adopted child taking under this proposal for any act occurring prior to January 1, 1986, nor does that trustee have any obligation to determine whether any adopted child has become a taker under such instrument due to the application of this proposal. Such adopted child has no right to inquire into the acts of any fiduciary, which...has no right to...to inquire into the acts of any fiduciary which occurred before January 1, 1986. I think we have to look at it very, very straightforwardly. If...if a testator doesn't want to include his adopted child, and when he mentions his children he can say except adopted children, very simple. This bill does not ignore the wishes of testators, it simply makes it clear that we don't have a class system here. We can't say you're adopted now, you weren't adopted then for inheritance purposes. I think it's a good bill and I think we should...pass it. I support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hall.

SENATOR HALL:

Well, as a non-lawyer I hate get into his fact, but I just want to ask a question from someone here. Are you telling me if I make a will and I die and I think that my will is...is to be carried out to...to the situation, and then someone comes along and changes it? The second question that...I want to also whoever may be asking this, is this retroactive legislation? In other words, what is the position on retroactive legislation? I don't care who wants to

answer that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

The general American law philosophy, which we're in the minority is, the position is that there's no exception, an adopted child takes the same as a natural child even...he's considered that way. And if a testator wants to exclude that child, he will put it in his will. Okay? That is the established American philosophy. Let me take you to the philosophy of probate law. Up until a certain time a bastard child couldn't inherit from any of his parents, and we threw that out the window. These are old common law axioms that some of these fiduciaries want to stick to. They want to be safe, they want to stick to them, and they wanted to exclude what is modern...a modern philosophy. And the modern philosophy is that an adopted child takes the same as a natural child, it was only that way and that's the way it should be. And I'm sure that any father or my father or my grandfather, if I could not have children and I adopted a child, would want that child to be considered my own. That's the philosophy. The...the limitation of 1955 is an arbitrary date. It's a date that should not have...never been put in the Statute. And adopted children in my eye are the same as children that are born to me. And I know grandparents that adopted children of their children because the children were...killed in an auto accident, one of those persons was the Governor of this State and those children should be the same. And they treated their adopted parents like their natural parents. And anybody that knows anything about adopting, an adopted child is very dear to that parent, he is considered just as important. And why should we have this law...and I think it's contrary to the American philosophy, and that's what's wrong with this law. It's not changing

somebody's will.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Sorry to rise a second time, Mr. President but just to make a quick point that all of the...the law...law school professors including Dean Cribbit from the University of Illinois who taught property for many years there are on record in support of this bill. So it could be said that lawyers on one side or the other might have something to gain from this particular bill, but those who I think are in a position to be more objective are uniformly in support of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lemke may close.

SENATOR LEMKE:

I think this is a very important bill, and I think this is different, we protect the fiduciaries, it's not like the prior bill. This is an important bill, this is an important bill for the State of Illinois, for the State of Illinois to say to adopted children, we treat you the same as natural born children, we feel sorry for your mishap of losing your parents or having your parents abandon you and somebody else come along and adopt you. And I'm sure that anybody that has a father that adopts the children and then becomes a parent will have the same philosophy 'cause that grandfather will treat that adopted child just the same as his own and if he wanted to exclude him, I'm sure he would have put it in the will. And this is all hogwash that the testator didn't know this was going to happen. This isn't for one individual firm, this isn't for one individual person, this bill is a philosophy of the State of Illinois. We either ought to keep current with modern times and treat adopted children as natural children or we're going to deny certain adopted children, because prior to 1955 the testator, the law was different. I

think that's not our philosophy in any law. When we pass a law, that law should treat all adopted children the same and there should be no exception in regards to inheritance. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Question is, shall House Bill 1067 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 14, the Nays are 42, 2 voting Present. House Bill 1067 having failed to receive the required constitutional majority is declared lost. 1072, Senator Etheredge. House bills 3rd reading, 1072, Mr. Secretary.

SECRETARY:

House Bill 1072.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

A hundred and seventy-four bills to go. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is the legislation which would establish the Illinois Foreign Language Academy. The proposed academy as this bill has been amended would be established in two locations, one in the Chicago metropolitan area and one in a downstate location, central Illinois, one that would be accessible to...so that we...there would be accessibility for all the students who would be interested here in the State of Illinois. The thrust of the academy would be primarily to provide educational opportunities for those students with talents and interest in the...area of foreign languages. A secondary purpose would be in...in keeping with the...the

State's economic development thrust, it would provide opportunities for our citizens to develop these skills which then could be made available to the business community and so that when we go on a...a trade mission to China, we can bring along Illinoisans with the ability to speak Chinese. I would be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, the question is, shall...Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise, I guess somewhat reluctantly, to oppose House Bill 1072. I...the...the whole academy is a new concept that we're dealing with in Illinois and I supported strongly, as many of you did, the math-science academy, but I think we should take it perhaps a step at a time. There's no question but what foreign language and the discipline that needs to be...the discipline that needs to be...we need to work more on that with some of our State's young people, but I think to suggest that we deal with more than one academy this year might be a bit premature. So, I would suggest to the Body that we might want to oppose House Bill 1072.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates...

SENATOR COLLINS:

Senator, what is the price tag on this academy?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR COLLINS:

On the two...for them both?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Etheredge.

SENATOR ETHEREDGE:

According to the figures that I have here, a figure of...of forty-two thousand four hundred and seventy dollars has been budgeted for the next fiscal year, and this would be...this next fiscal year, Fiscal '86, of course, is a...is a planning year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Is this a part of the...the...Thompson's Build Illinois Program?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

No, it is not, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Well, I...I rise reluctantly in opposition to this bill also. I think in terms of...of...of priorities. I don't think the State can afford it. We're talking about all kinds of crucial...education reform, science academies and...and...vocational education and training institutions, which is a critical need in this State. There's no doubt that...that the State could, in fact, benefit from this kind of academy, but...but one choose to...or...or should choose to take care of necessities and priorities first before we can even attempt to afford luxuries. To me, this is a...a luxury at this time that the State cannot afford, and for that reason, I would be opposed the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Keats has moved the previous question. We have four additional speakers. Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

..is there any language in here that says that this particular academy has to be located in a certain area or region of the State?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, sir. The amendment which was put on this bill said that the academy would...would be in two locations, one in the Chicago metropolitan area and one in central Illinois. No, there...no greater...specificity than that, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Senator Watson.

SENATOR WATSON:

I...I'm just curious, where's central Illinois?...I mean, let's hear...hear about that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

The idea is to pick a downstate location that would be accessible to the citizens of Illinois to...the most specific answer that I can give to your question is to read from the amendment. It said, "One located in the Chicago metropolitan area and one located outside the Chicago metropolitan area and centrally located to serve the students residing outside the Chicago metropolitan area."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, ladies and gentlemen, this bill has a little more importance than I think you want to give it credit. Now you all talked about math and science and we rose to the occasion and hopefully have solved that problem. One of the greatest problems we in Illinois and the people of the United States have in trying to increase our economic advantage or increase our export is the fact we Americans do not speak the second language of the country we're trying to do business with. Give you a little example. Many of you complain about what Japan has done to take away jobs from we Americans by their exports to this country. In one of the recent stories I saw, Japan had six hundred and seventy-seven Japanese salesmen in the United States calling on businesses and business people to sell their Japanese equipment to us. Every one of them spoke flawless English...flawless English. The turnabout of the hundred and some odd Japanese...salesmen that...is correct. The hundred and seventy some, I think, American salesmen they were based in Japan to sell American goods to the Japanese one...one spoke the Japanese language. The other people were complaining that his company was outstripping them in...their sales, and rightfully they should. Now, part of this is so we will have people who have a desire to speak that second language can become very knowledgeable in it and go forth and communicate our ideas, whether it's sales, economics or the American dream or our democracy. This is a good bill. I urge each and...every one of you to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the previous question has been moved. We have one additional speaker. Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I rise in support of this

too. I don't care where they put it. I think that the one thing that we are sadly lacking in this State is the ability to communicate with our foreign countries, and...and our universities right now are...are teaching us in agriculture how to grow more and more corn and more and more soybeans and...but we can't sell it anywhere. So, I think what we need to do is teach our young people how to communicate and to learn the customs and language of the foreign countries and that will help us more than anything else we do in...in becoming a better exporting State than we are right now. So, I would urge support of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Collins for a second time and then Senator Watson. Senator Collins, do you wish to...

SENATOR COLLINS:

I...I'm sorry to rise on this a second time. Now there is a need to do this but we have universities, some of the best in this country, right here who can teach those subjects. So, all we have to do is expand or to assess, to take a look at the foreign language department and the various institutions, the University of Illinois and we can do...have the same results. It is not necessary at this time and it should not a priority to...to establish and to just spend the money for setting up separate academies. It is just unnecessary and I...and again,...I would just ask that we defeat this bill because it is unnecessary on a list of priorities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the last speaker, Senator Watson.

SENATOR WATSON:

Thank you, Mr. President and I apologize also for rising a second time. (Foreign phrases)...regardless to how you say it, it's a bad idea, and I don't care what language you use.

PRESIDING OFFICER: (SENATOR DEMUZIO)

That's not the way I understood it, Senator. Further

HB 1083  
3rd Reading

discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, very much. I...I think there's already been a great deal of discussion...not a lot more needs to be said, except that I would just want to point out that there are a great many high schools around this State, unfortunately, that do not...are not in a position to provide the opportunity for their students to study two, much less three or four years of a foreign language. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1072 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 46, the Nays are 9, 1 voting Present. House Bill 1072 having received the required constitutional majority is declared passed. 1083, Senator Nedza. House bills 3rd reading, House Bill 1083. Read the bill.

SECRETARY:

House Bill 1083.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1083 is in response to an investigative unit at WBBM News in Chicago who recently ran a series criticizing the present administration and effectiveness of the Act. Our legislative response has been to change the composition to the board to add another alarm contractor, specify that licensees shall obtain errors and admissions insurance in addition to general liability, add incrementally

HB 1086  
3rd Reading

increase in experience requirements for private alarm...contractors beginning in 1986, establish an escrow account within the department of the deposit of fingerprint processing fees, specify the content of the basic twenty-hour training course for registered employees and adds armored car companies and employees to the provisions of the Illegal Use of Weapons Act. Senator Watson had a group from AmWay who had some problems with the D and E amendment. We, hopefully, will be able to resolve those administratively, if not, perhaps with the Governor's magic pen. I know of no opposition to the bill and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 1083 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1083 having received the required constitutional majority is declared passed. House Bill 1086, Mr. Secretary. Read the bill.

SECRETARY:

House Bill 1086.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpriel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 1086 amends the School Code. It includes transportation supervisory salaries and related building and maintenance costs as allowable direct cost for transportation reimbursement purposes, and that's all it does. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAITLAND:

Thank you, Mr. President. Very briefly, I was the one that caused this bill to come off of the Agreed Bill List. I simply wanted to point out to the Body that this does increase the cost of transportation in the amount of about six million dollars, and if we're able to fund it, if we're able to get that appropriation level, that's fine, but if we don't increase the funding and go with the formula with this new provision in here, it could result in a corresponding decrease to some school districts, and I just bring that to the attention of the Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Several of the bills that have gone out of the Senate that would increase mandates on schools had the so-called Schaffer...amendment on it that would demandate it if the State doesn't pay for it. Does this bill have that amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

No, it doesn't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I...I simply want to point that out to the Body and...although I...I haven't even looked at the bill to know for sure what it does, but we shouldn't continue to mandate costs on...on school districts if we're not paying for them. They're shaking their head at me. I suspect they know something I don't know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, well, further discussion? Senator...Senator

Davidson...Senator Davidson.

SENATOR DAVIDSON:

Well, I rise in support of this bill, Mr. President and members...Ladies and Gentlemen of the Senate. We passed this bill out here in the past and it's only trying to do is have the school boards who run their own transportation system to have the same right and opportunity as those school districts who contract with a private contractor. That private contractor can include the building, the maintenance, et cetera and it's paid for when the State goes to it. This is a good bill. It gives those districts who furnish their own transportation a right to figure that in for reimbursement. It's what they should have an opportunity to do. I urge a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I'm going to withhold my vote or probably vote No on the basis that here we are, very cavalierly spending another six million dollars to reimburse some districts for their supervisory personnel and yet we as a group refuse to transport some children just because they go to a private school at a much lesser cost.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel may close.

SENATOR KARPIEL:

Well, thank you, Mr. President. In answer to Senator Schuneman, this has nothing to do with the State...I mean, with the local districts paying anything. This is for them to be reimbursed for their supervisory and their...some of their operating costs. Right now, they get indirect costs that they...that they can be reimbursed for. This is just...you know, adding to those costs only it's a direct cost billing that they would do. And as Senator Davidson

said, it's just really to put the districts that operate their own school buses on the same par as those that contract out so that they can be reimbursed for all of their costs. I mean, we're talking about paying for the...the mandates and fully funding, well, we're not fully funding those districts who are operating their own school buses and this just puts them on a par with those that contract out and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall House Bill 1086 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 36, the Nays are 18, 3 voting Present...House Bill 1086 having received the required constitutional majority is declared passed. 1090, Senator Luft. 1102, Senator Lemke. House bills 3rd reading is House Bill 1102, Mr. Secretary. Read the bill.

SECRETARY:

House Bill 1102.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Election Code in regards to precinct boards of registrations to conduct registration by means of board or precinct administrations. It's similar to a bill that we passed out of here, Senate Bill 1456. This was put on by amendment. It also provides that an electronic voting system is used which utilizes a ballot label book and where candidates for an office appear on a page of the booklet where upon the names of no candidate for another office appear and where less than half of the page is

utilized, the name of the...of no candidate shall be printed on the...lower half of the page. I think this is a good bill and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 1102 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Whoops. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 8, 1 voting Present. House Bill 1102 having received the required constitutional majority is declared passed. Senator Macdonald, I did not see your light on. Senator Macdonald.

SENATOR MACDONALD:

Well, I would...Mr. Chairman...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Well, it's too late now. As a matter of fact, I pushed my Yes button when I was also...doing this, and it went on. I really did have my button on, it...the light was flashing, as a matter of fact, and I did want to rise in strong opposition to this bill. I...Senator Kustra had his light on too, so I don't know why we went racing right over this bill. This is one of the bills that...that is...has the most far-reaching and serious consequences in terms of the election committee and I...I stand opposed to this bill and I'm sorry I didn't get an opportunity to...to speak on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...

SENATOR MACDONALD:

I...I would like to move to reconsider that vote, since I was a Yes vote, by which that bill passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...Senator Macdonald has moved to

reconsider the vote...having voted on the prevailing side, moves to reconsider the vote by which House Bill 1103 passed. Those in favor signify by saying...will vote Aye. Those opposed Nay. The voting is open. It's on the motion to reconsider. All right, take the record. On that question, the Ayes are 32, the Nays are 6, 1 voting Present. The...the vote is reconsidered. Now, on the Order of House Bills 3rd Reading is House Bill 1103, Senator Lemke...or 1102, Senator Lemke. I would like also to point out that for those of you who have had...indicate that you had your lights on, I don't remember any time that during this Session that I have cut anybody off and when I called for the vote, there were no lights flashing. They might...they might have come...they might have come on afterwards, but they were not on at the time that I called the vote. Senator Lemke.

SENATOR LEMKE:

I think I explained the vote, I think we should give Representative...Senator Macdonald an opportunity to explain her position.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Macdonald.

SENATOR MACDONALD:

Yes, virtually there are hundreds and hundreds of precincts particularly in Cook County, and...and I think that this would be more or less true in many areas of Illinois where it would be not possible for us to find...these...deputy administrative...or the assistant administrative judges from one party or another. I think that the way that this bill is structured would really...certainly open the door to a great deal of vote fraud in election places, and I...I am...I just couldn't strongly enough say that I hope that the people on this side of the aisle will understand that with all that we have done to make registration possible and to loosen up for the deputy

registrars and...and changed laws so dramatically within this last year that we certainly now don't need to be toying with the election place itself and appoint these judges for a period of four years. I think that that's wrong and I think it could lead to a great deal of vote fraud, particularly in the area of Cook County.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

END OF REEL

REEL #7

SENATOR KUSTRA:

Thank you, Mr. President. I have a question of the sponsor and then a comment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Kustra.

SENATOR KUSTRA:

Senator, on page 9 of the bill...or the amendment, whatever it is now, it says the chief precinct administrative officer and the deputy precinct administrative officer shall receive at least fifteen dollars and ten dollars respectively for service on election day. Is that over and above what they get as a judge or is that instead of what they would get as a judge?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Over and above what they're getting as a judge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Well, I won't...I won't pursue a line of questioning, but I would suggest to you then that that's a substantial cost you're adding to the...to the administration of elections. I'm looking at a bill which is thirteen, fourteen, fifteen pages long. If I showed what you want to require of a judge who becomes this precinct administrative judge, whatever it is, if I showed this to the judges who work in my area as judges, they would run for cover so fast you'd never be able to find them again the next time there was an election. What you're doing here is discouraging the good people that

we have a tough enough time finding to serve as election judges, you're discouraging them by laying on them a set of administrative responsibilities which belong in the county clerk's office. That's why we have county clerks, that's their job. Now you're saying that we want to start a new bureaucracy at the precinct level and this is incredible, you even have a hearing procedure so that if a chief precinct administrative officer is removed, there can be some kind of a...of a hearing for the suspended officer. I could go through it, but line after line there's some new bureaucratic entanglement which we're now complicating lives of judges who, again, as I said before, we have a tough enough time getting given the fact that they don't do this for pay, they do this because they're volunteers and they want to do something for their party or our system of elections. The pay, needless to say, is important but I'm afraid it's not crucial. I would suggest that we vote No on this bill. It's an added headache for the entire system of election administration, that's what we elect county clerks for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Originally this bill was before us and it was passed out of here 45 to 4. For some reason or other, I think there's a misconception. This is permissive legislation, this does not mandate anything, and in response to Senator Kustra, the Chicago Tribune lauded the chairman of our elections, Mr. Mike Lavelle, for...for taking this kind of a...an approach to having the judges of election, and the name is immaterial, but you can call them the chief administrative or the deputy administrator, is taking them and these judges become employees of the board of election. The reason for the procedures of removing inadequate judges are because the

Board of Election Commissioners have to have some kind of form of hearing in order to remove judges in which are appointed. It is not attempted, as...as Senator Macdonald had said, that there's fraud; this is step in...to eliminate the fraud. There's nothing in this bill that would be detrimental to anything other than giving the board of election authority more supervision and more control over the judges. I don't know within two weeks or three weeks time why we can pass a bill and then all of a sudden say it's a bad bill. I understand that there is a representative in the other Chamber that...of the other party who voiced some...some concern about this and whether it's he...voicing the concern or the Board of Election Commissioners of the City of Chicago who are trying to alleviate a process and this process after many meetings with the IPO, IVI, et cetera and et cetera and some community organizations, and this is what has come out from that particular meeting and it's still a good bill and I would still solicit your support for the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there any further discussion? Senator Lemke may close.

SENATOR LEMKE:

I think this is good legislation. I think it...it...is permissive legislation. It will add to better...precinct administration, but it also will...also eliminate some problems that have developed in regards to printing of names on ballots where our voters get confused. I think it's a good bill and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1102 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? (Machine cutoff)...have all voted who wish? (Machine cutoff)...all voted who wish? Take

the...take the record. On that question, the Ayes are 23, the Nays are 34, none voting Present. House Bill 1102 having failed to receive the...required constitutional majority is declared lost. 1103, Senator Lemke. House bills 3rd reading is House Bill 1103, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1103.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this does is amends the Illinois Vehicle Code, requires every law enforcement officer investigating a motor vehicle accident to contact as soon as possible after the accident the parents and legal guardian of any driver or passenger involved in the accident under the age of eighteen. I think it's a good bill, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Coffey.

SENATOR COFFEY:

Yes, a question of the sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Coffey.

SENATOR COFFEY:

In the...in the event of the accident, as I understand this bill, and minors are involved between the ages of sixteen, eighteen, all parents of all the minors in that vehicle have to be contacted by the law enforcement officer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Is that right? Yes, I...I believe, that's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

What in the event that I'm...I have my...my brother's children or your children or someone else's as an adult, does law enforcement then have to make the same contact to the parents to notify that they were in an accident?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LEMKE:

The parents have to be notified whether the brother notifies them or the police officer, it doesn't put...it just makes sure that the police officer has the parents notified. So if he's...these particular children are relatives and the relative calls home, that should be sufficient. That...that will satisfy the notification requirement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Well, that's not what the bill says. The bill says that the law enforcement officer must make that notification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LEMKE:

The bill says make a reasonable attempt and I think by having the relative call would be sufficient, they usually do that...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR LEMKE:

now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Well, then,...then what will happen if...who's going to

question this? Who's going to know if the law enforcement officer made a reasonable attempt or if, in fact, someone challenges...just say a parent says, well, I was not contacted...what...what would happen then?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Well, I would...I would say it's...it's the thing if the law enforcement officer said he made a reasonable attempt and...and show that he made a reasonable attempt that that would suffice in...in any situation. The court generally in most of these traffic considerations goes along with the law enforcement, that's the precedent, and it's up to the individual to prove that the law enforcement didn't do it and did not make a reasonable attempt.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Well, thank you, Mr. President and members of the Senate. I would like to speak to the bill. I...I think maybe the...the reasons for the bill originally maybe was...was a...a attempt to...to...the intent was good, but it seems to me that with the Illinois Department of Law Enforcement, Illinois State Police opposing this bill based upon the...the workload that it will put upon those departments and law enforcement people and question several areas. First of all, if, in fact, the accident...there was an injury, then I don't think they would object to that notification, but if you were hauling some of your family or some of your friends' children, they're between the...ages of eighteen...or sixteen and eighteen, the law enforcement has to notify them also. And...and I think it's an undue hardship and if the bill had been amended to say if...if...if there was injuries involved, then that's a different situation, and I think in most cases

if injuries are involved that the law enforcement would already make those notifications to those responsible parents. I think there's a lot of questions in this bill. I think there could be some repercussions if, in fact, the parent was...was not home and didn't get the phone call could come back and could make the law enforcement responsible for an accident or if...if they...the call was not received by the parents. I think it's a bad bill, I think we ought to oppose it. I think we...ought to come back with an amendment at a later date saying if only injuries, they should be notified.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDY CZ:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Dudycz.

SENATOR DUDY CZ:

Senator Lemke, Senator Coffey just stated that the State police and the Illinois Department of Law Enforcement oppose this bill. Can you tell me why?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Well, when it was in the House, my...I got the House sponsor here...they were for the bill, the association and so forth. Now, I have nothing to the contrary. I wish that...if they were, they would have sent a note. I have nothing to the contrary that the State police and the law enforcement are doing it now...they're doing it now. This just puts it in law and codifies it and specifies...and protects them because they have reasonable...give...a reasonable attempt. I have the House sponsor here, I'm sure that if they were in the House for the bill, they're not going to

change when they come to the Senate without talking to me or somebody else or our staff or somebody, and it's not in my notes and it's not in the House notes; in fact, the House notes indicate that they were for the bill. So I don't know where this came from.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCH:

But...well, it's my understanding that the State police and the Illinois Department of Law Enforcement still oppose the bill, and if that's so, then I think that we should vote against it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? No one for the first time, for the second time, Senator Coffey.

SENATOR COFFEY:

Well, thank you, Mr. President. I'm sorry to rise a second time, but I, in fact,...in our notes the Illinois State Police was...did make their position known, since that time, Illinois Law Enforcement...we have contacted...along with the Illinois State Police which say they object to it, because I think earlier they...where they could have accepted an amendment if it was in fact an injury involved. But, at this time, they're opposed to...to this bill in its present form.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lemke may close.

SENATOR LEMKE:

Well, this comes as a surprise to me, Senator Coffey, I have...usually have a good relationship with the State police and the Department of Law Enforcement; in fact, they sponsoring some of their legislation right now, and I have never been told by them that they're against this bill. This is a...a bill that...that...they want it, this is a bill that

the parents want. This is a good bill and even some of the newspapers have suggested this, and I think we, as parents, would like to know if our kids are involved in the accident 'cause we would like to go to that scene of the accident, and this also codifies the...the thing that they make a reasonable effort to do it. I think it's a good piece of legislation. I ask for its adoption...

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is,...

SENATOR LEMKE:

...and I will assure you, the Department of Law Enforcement that this bill will be back in their bill and if it doesn't come through, so we might as well pass it now. I ask for a reasonable...ask for a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1103 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 34, the Nays are 24, none voting Present. House Bill 1103 having received the required constitutional majority is declared passed...1106. House bills 3rd reading, House Bill 1106, Mr. Secretary.

SECRETARY:

House Bill 1106.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 1106 gives specific authority to municipalities, counties, townships to sell, lease and transfer public hospitals to various public and private entities. It exempts municipalities from certain

bidding requirements when exercising that authority. Now, in regard to that last statement, the chairman and the Committee on Local Government had some...some concerns and so I want to read into the record the intent of this legislation to clarify what we're trying to do here. "This bill will allow a unit of local government to sell its public hospital only pursuant to an ordinance or resolution and only after public notice and at least one public hearing." A question was raised in committee concerning the sale price. "The terms of the transaction will be exposed to public scrutiny and the responsible public officials will be accountable to their constituents. The way the bill is written, a unit of local government may decide to accept a lower purchase price in exchange for expanded hospital facilities, new services or reduced rates for preferred provider arrangements with the unit of government and the local employer. We feel the bill will provide enough flexibility to the elected officials to provide the greatest benefits to the community while ensuring the protection of the residence." I read that into the record to simply clarify our intent. The reason we introduced the legislation is primarily because the hospitals that are having the most financial difficulty happen to be those that are considered public hospitals, and one of the reasons is simply they can't get into the various areas of hospital care and medical care that can provide...for better economic availability. And we...and if...and if the public hospital wishes to sell to a...another entity and provide that opportunity and hopefully lower hospital costs, this bill provides that mechanism. It also protects the collective bargaining agreement, and under the National Labor Relations Act, we...we've come under compliance there, and I don't...I see no problem with that particular provision. I'll be glad to answer any questions and would certainly ask for a favorable roll call.

HB 1109  
3rd reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is, shall House Bill 1106 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 47, the Nays are 4, 5 voting Present. House Bill 1106 having received the required constitutional majority is declared passed. 1109, Senator Joyce. House bills 3rd reading is House Bill 1109, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1109.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. 1109 as amended here in the Senate doesn't do anything I want it to do and I would hope that we would pass it and the House member would nonconcur and it could go back and do what it was supposed to do. But what it does is clarify some of the voter registration language by deputy registrars, you know. Any questions, I'll be happy to answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Macdonald, your light is on. Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Since the amendment was put on this bill, I would like to rise in support of it. I think that it may...it clarifies and...a remedies all of the problems that we had originally with the bill, and I'd like to support the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the...the question is, shall House Bill 1109 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, 1 voting Present. House Bill 1109 having received the required constitutional majority is declared passed. 1111, Senator Zito. House bills 3rd reading, House Bill 1111, Mr. Secretary.

SECRETARY:

House Bill 1111.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. This bill is the companion of Senate Bill 172 which we passed out of here on an Agreed Bill List. It creates the Illinois Capital Budget and a five-year capital improvement program to be prepared by the Governor's Office of Planning, and move for...I'd ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 1111 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. House Bill 1111 having received the required constitutional majority is declared passed. Top of page 13, House Bill 1117, Senator Berman. House bills 3rd reading is House Bill 1117, Mr. Secretary.

SECRETARY:

House Bill 1117.

HB 1179  
3rd Reading

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill merely permits the Chicago Board of Education to enter into multiyear contracts without being in violation of the school finance authority restrictions. The purpose of the bill is to lend...try to lend some stability through the collective bargaining process to try to avoid strike threats year-to-year. I ask your support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is, shall House Bill...House...House Bill 1117 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 56, the Nays are 3, none voting Present. House Bill 1117 having received the required constitutional majority is declared passed. 1154, Senator Savickas. 1159 was on the list this morning. 1179, Senator Kelly. House bills 3rd reading is House Bill 1179, Mr. Secretary, read...read the bill.

SECRETARY:

House Bill 1179.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 1179 prohibits the submission of binding and

nonbinding propositions at the regular election at which no candidates for nomination, election or judicial retention are scheduled to be voted upon. The intention of the consolidated election law was to prevent anyone from sneaking through propositions, and, apparently, on February 26th of '85, there were a number of...a handful of townships and municipalities who proposed propositions even though there were no candidates on...on the ballot, and I would...the vote received a 106 to 9 votes in the House. I...it would save money and I would ask for your 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:

Senator Kelly, I don't really dislike your bill, but I do have a question. When the...we better adjourn, it's getting punchy around here. When the consolidation of election bill was proposed, there were...some concern expressed by school districts and some units of local government regarding their ability to have votes on referenda. If I am not mistaken, and correct me if I'm incorrect, this could kill the possibility of some of those bodies holding a referenda.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

No, that's not the case. They...they could petition for an emergency and the court could give them relief on that. So, this would not prevent that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if they have to petition the...court and declare an emergency, that could be a rather cumbersome process. In addition to that, the court may decide it's not an emergency and they had planned on doing this. What...what is the purpose of destroying that option, because...if you recall, I wasn't here when it passed but you were but I came in right afterwards, and I know that many units of government had great fears at that time. Now we're further changing that law to preclude them from going out and doing these referenda. In addition to that, quite frequently people on this Floor ask, are they going to do this with referenda or without referenda? Now we're going to turn around and prohibit them from holding referenda except at those times in which we tell them they can.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator...Senator Kelly, you wish to respond to that? Senator Kelly.

SENATOR KELLY:

Well, I just want to say it...it is...it does slightly tighten up the propositions and it...it would prevent this. So, Senator DeAngelis, your point is well made, it would make it somewhat more difficult for these propositions to be considered; at the same time, I don't think there was any intention of it...of...during the consolidated election to allow these to go through when...when voters aren't out there voting on the propositions. So, we want to see people out there. That was the intent of the consolidations, so we can get a true reading from the districts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes, I would like to answer Senator DeAngelis to say that I, too, was here when we passed consolidation of elections, and when we passed this bill a few weeks ago, we did talk to

them and...and they...they certainly did not support this and said they were sorry that we did have to go through with this bill. But I think that as with all legislation, we cannot commit for future General Assemblies and with the trial and error system and to see how much it is costing us for these referendums and how much it is costing us for these special elections, there has to be some alteration and this was...this was the very best we could come up with and so I...I rise in support...trying every other way we could to keep that initial commitment, but as...as time goes on, we see how very, very expensive it is to have these special elections.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and members of the Senate. I...I would just point out, it does say on my analysis that the school boards are opposed to this. The bottom line is that they were told at the time of the consolidated election law when it was passed, and they had some concerns about the way it was being structured, they were told they would have an opportunity at every election for referendum. Now, that's being taken from them and they're obviously concerned about that. I...I'm going to have to vote No because I think that the State and this Legislature ought to live up to the commitment, we made the school boards across this State by telling them that they could have a referendum at every opportunity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I apologize for rising a second time, somebody mentioned the cost factor. But how do you evaluate a proposal to tie into Lake Michigan water for twenty-eight million

dollars? Do you turn around and say to the folks, well, gee, I'm awfully sorry because we're not going to let you hold the election? I just think we're really going back on our word.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly may close.

SENATOR KELLY:

I'd just like to say that it's very rare when we don't have a candidate on the ballot, so this wouldn't affect that many and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1179 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 31, the Nays are 26, 1 voting Present. House Bill 1179 having received the required constitutional majority is declared passed. 1182, Senator Lemke. House bills 3rd reading is House Bill 1182, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1182.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is...amends an Act in relation to juveniles, postpones the effective date to...to June 1st of 1986 to allow the Circuit Court of Cook County to put together an effective program. 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 House Bill...Senator Sangmeister.

SENATOR SANGMEISTER:

Was this in request to Cook County State's Attorney because he couldn't get the job...done within the amount of days that we set in the previous legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lenke.

SENATOR LENKE:

Was a request by the Cook County Circuit Court and the Cook County State's Attorney's Office.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, how many days did we have in the legislation that he had to comply with...the court and the state's attorney had to comply with? I forget how many days...we're reducing it from how many days or increasing it for...we're not doing either, you're just going to give them more time to...okay. Yeah, all right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion?...the question is, House Bill 1182 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1182 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 1188, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1188.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill spells out what

is...what happens regarding legal custody of a minor when the custodial parent passes away, and under the bill as amended, it provides that the...that the legal custody will pass to the surviving parent but that a hearing may be held by any other person who has standing, and that includes persons who would have the physical custody of...of the child. It sets forth the guidelines under which a proper hearing can be held to determine what happens upon the death of a custodial parent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Darrow.

SENATOR DARROW:

Sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Darrow.

SENATOR DARROW:

Who has standing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I just looked at that and I had the...that's spelled out in Section 601 and it's...it's as follows. "A child custody proceeding by a parent, by the filing of a dissolution of...of marriage or legal separation for custody of the child in the county in which the child is...is...resident or by a person, and I think this is the part that you were concerned with, by a person other than a...parent by filing a petition for custody of the child in the county in which he is permanently resident or found, but only if he is not in the physical custody of one of his parents. That would mean that if...if in the situation, as I understand it, let us say that the mother has the legal custody and the mother lives with the maternal grandparents, the mother dies, the...the...the maternal grandparents who would then have physical custody

could bring a petition to determine whether the child should go back to the father or whether it should stay with them or someone else.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman...or Senator Darrow.

SENATOR DARROW:

If the maternal grandparents live separate and apart from the mother and the child and the mother dies, do the maternal grandparents then have standing to seek custody in the court?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Well, then to the bill. In that situation take for example a girl...a mother dies, the father has serious problems and is emotionally unable to care for that child and the...maternal grandparents know that, they will have to sit by and allow that person to take that child. He may not be a neglected...neglectful father, he may not be under our Statutes an unfit parent but he still may not be the best person to...to have that child; or on the other hand, he may be if it were determined by the court. But you have the decedent mother's parents wanting a court hearing, they will not be able to seek that court hearing, they will not have standing. They will have no opportunity to challenge the father's right to custody or challenge his fitness to take care of that child. I think that's a defect in this legislation, I think as a result of this, we're going to have situations popping up where our reason for passing this bill will be challenged by our constituents. I think it's a bad concept without that provision and I would solicit a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further consideration? Senator Karpriel.

SENATOR KARPIEL:

Yeah, thank you, Mr. President. Senator Berman, in the case of...in a case where the noncustodial parent has waived custody, would that come into play? I...in the original bill it did, I don't see it in the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

This only applies...the legal custody would revert to the parent unless the parent has been found to be under a legal disability, in other words, incompetent or unable to attend to his matters or the child's matters or unfit by the court. If...if the...when you say waive the rights,...in many cases, it's agreed in a divorce case, you and I are are married, we work out a property settlement agreement, I tell you, you want to take the kids, I said fine, take the kids; I want the...you know, I want to be able to visit them and that's ninety-nine percent of the cases. If you pass away, this bill says legal custody goes back to me unless I am either under a legal disability or I am unfit. Now, the only exceptions to that...and I think that's the way it should be, that's most of the cases. I don't think anybody else ought to step in to take away my kid. Now the only exception that we are talking about is if you live with someone else and that...and with my child, they have standing to go into court for a hearing as to what is in the best interest. But a stranger, when I say stranger, I mean in a legal sense, a person that hasn't taken care of that kid, that doesn't live with the kid, I've got first right because I'm that child's father. That's what this bill does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpriel.

SENATOR KARPIEL:

Well, what I was asking about, isn't there something...in most cases, it happens the way you...way you stated, but isn't there something where you can actually sign something and waive the right of custody, not just your divorce agreement but a special waiver?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I'm...I don't think...and, again, I'm...I stand to be corrected, but in...in the divorce cases that I'm familiar with, you don't give up parental rights. The only time you give up a parental right is when there is an adoption, that's when you give up your right to the child and...and your second husband wants to adopt my kid, if I want that done, I...I can enter into an agreement. But with the divorce case, no, I don't give up my rights because you...there may be a...a silent agreement that you're not going to collect the money for child support if I don't come over to visit the kid. But that's not legal and that's not included in any...document.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Karpriel.

SENATOR KARPIEL:

Okay, thank you. I just have two more quick questions. If a parent has appointed a guardian...a relative or somebody as a guardian and then in case of his or her death, would that guardian then have standing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I...I don't know. I...I'm not able to think out that legal implication. I'm not sure what the basis would be of the guardianship. There's two kinds of guardian, guardian of

a child...the guardian of the body and the guardian of the...of the estate. If the mother can't handle dollars, sometimes they can go into court and have a bank appointed as the guardian of the assets of the child, but I don't think that's what you're referring to and on the other, I...I just...I'm not able to give you an answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

All right. I know, Senator Berman, you're aware of why I am asking all these questions, I...you know, I have a problem here. I just want to make sure...you said that if the custodial parent and the child live with a...the grandparents, for instance, and as long as they're living together in...in the case of the death of the custodial parent, then that...those grandparents then would have standing. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

I...I'll tell you what troubles me about this, I...I don't like this whole area to begin with, but it's the way the courts look upon the right of the natural parent. You know, irrespective of the fact that you may have standing, all standing gets you, it gets you in front of the judge and he can throw you out and say, you...and this...this case is dismissed summarily on the basis of your lack of standing...I have been...as an elected official, I have been involved in some really heart-rending cases, Art. The most recent involved is a situation where a...a husband put eleven bullets into his twenty-four-year-old wife with three beautiful children and he now is in the penitentiary, and every two weeks those kids are taken down and...for their visitation, taken from the parents of the widow down to the penitentiary for their visitation with their natural father. And you

cannot get a court to move off of that question because he is the natural father. I had another case with a constituent where they had adopted...or were foster parents from a mother who was totally unfit, who had thirty or forty cats and was an alcoholic and a prostitute, we went through up and down...through the court system to try to get a termination of those rights. The courts just won't buy it. So when you say standing, you know, standing, it doesn't mean all that much, Art, and I...I just think...I know what you're trying to do and it's good and all of that, but I just wish that there were some language in here other than just unfit. I wish that the standards were spelled out with greater specificity so that a...a person, a petitioner who was going in in one of these situations could say, you know, here, judge,...you know, the Legislature has already made it clear, that is not within your discretion, this is unfit. If a person is in the penitentiary, that is unfit, you know, if a...all...if a person is a...makes their living as a prostitute, that is per se unfit. I guess I've...I've said my piece on...on the question. I...I just...you know, that...that part of it just bothers the heck out of me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator...Senator Berman.

SENATOR BERMAN:

All right. Let me respond. Your complaint is under the existing law. May I suggest to you that under this bill the scenario you have given would not have to apply, because I would believe certainly that the murderer father is either disqualified because of under a legal disability, he's in the penitentiary or the court can find that he is unfit, both of which are exclusions under this language.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

That...that is my point, Art. The court won't find him unfit because the standards aren't spelled out. We...we...they have tried...they have tried to find this parent as...have him declared unfit. Do you know what I'm saying? That's the problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I...I have no...no problem in suggesting in...in your scenario and although it's rare, I think it ought to be addressed, in suggesting to the House sponsor that he nonconcur in this and provide a sentence that if...you know, for example, if you are...if I'm a beneficiary under your will and I shoot you, I can't take under that will. I have no problem in adding a sentence that if the reason that the...that the child is an orphan or...doesn't have the...the...the custodial parent anymore is because they're...of a crime perpetrated by the noncustodial parent, that the noncustodial parent shall not be the recipient of this child, that doesn't bother me. I am talking about the language in...for this bill of the ninety-nine percent of the cases where somebody else tries to step in to prevent the child from going back to the father who allowed the wife to have the custody in the original divorce case. That's what this bill is all about. I think it addresses Senator Dawson's concerns. I have no problem in adding a sentence that addresses your concern and let's address not the aberration but the usual situation to prevent somebody else from stepping in preventing a father...usually the father from getting his child back when the wife passes away. I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

I...I...Senator Berman, I...I want to clarify this and...and I'm going to use my son as an example. I have a three-year-old grandson who lives with his mother and her mother. Now, does this bill allows...in case something happens to my daughter-in-law, does this bill allow her mother or father to file a petition without justifiable cause or...or evidence that my son is unfit, and will he have to be...will they be able to drag him in the courts and fight for custody over that child?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR COLLINS:

Simple question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

The answer is, yes, they can go into court because they have physical custody of the child.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

What...who gave them custody? They...they don't have custody, the wife had custody and she died.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

You...you told me that the...that the mother and the grandparents live with the child. When I said custody, I said physical custody not legal custody, they have physical custody of the child; therefore, under this bill and the existing law, they have standing to go in and have a hearing as to what is in the best interest and who should be the recipient of the legal custody of the child. They have

standing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Well, that is my objection to the bill. Now, why...why would they have to drag...you know, go into court over that kind of fight...you're...you're...you're saying that...that on one hand you want to make it easier for a father to...to get custody of a child in case the mother has custody, but then you're...you're setting up...giving legal standing to the parent...the girl's parent so that he may have to go through the courts, spend a lot of money that he may not have to try to get custody of a child that's already his. To me, it doesn't make sense. Now I can understand what you're trying to do if, in fact, there is some clear cut evidence and reason to believe that that father or that mother, the noncustodial parent, is in fact unfit. Now unless the bill is doing that, I think it's unfair. It's crazy for him to have to hire a lawyer to go to court to fight for his child when he and that child has a very good relationship together.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield to one question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

The bill as amended...do I understand correctly, the bill as amended, if a child has been living with the grandparents and the mother of the child has died, what this bill will do then will...it...it will give the grandparents standing to come in and ask for custody of the child?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

They have that standing under existing law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And what is the purpose of this bill to guarantee that the...noncustodial parent is the parent who is going to have the child anyway?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Because it says that the legal custody passes, by law, to the surviving noncustodial parent, unless that parent has been found to be under a legal disability or unfit...unfit by the court in a hearing brought by persons who have standing. Among the persons who have standing would be the person such as the grandparents, if they have physical custody of the child.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Under the present law, if the...the...the...the custodial parent dies, automatically...and correct me if I'm wrong, automatically, the noncustodial parent has a right to that child. Isn't that so?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

No. There was an appellate court case that gave rise to this bill that denied the...the natural parent that...that...opportunity. That's why the bill is here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But that case,...the...that case denied the opportunity because the child had been living with the grandparents. Isn't that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

That's what we're talking about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. I...I apologize for rising, but when attorneys start talking, I get completely lost and I think the longer they go on, the farther we get lost. As a nonattorney, are you trying to...are you attempting through this legislation to strengthen the language that says, we are now going to provide a better avenue to return the child to the natural parent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Berman may close.

SENATOR BERMAN:

Senator Zito, gave my closing argument. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1188 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 46, the Nays are 6, 3 voting Present. House Bill 1188 having received the required constitutional

majority is declared passed. 1197,...Senator Luft, for what purpose do you arise?

SENATOR LUFT:

Thank you, Mr. President. I'd ask leave to add Senator Poshard as a hyphenated sponsor of House Bill 1445.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Luft seeks leave of the Body to have Senator Poshard added as a hyphenated cosponsor of House Bill 1445. Is leave...1445. Is leave granted? Leave is granted. House Bill 1197, Mr. Secretary. House bills 3rd reading, read the bill, 1197.

SECRETARY:

House Bill 1197.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr...thank you, Mr. President and fellow Senators. 1197 basically provides that wherever practicable, precincts should be situated within a single congressional or representative or county board district or a single municipal ward. It's a problem that you find in some urban areas, split precincts, downstate primarily. I'll answer any questions, otherwise, seek an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is, shall House Bill 1197 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 1197 having received the required constitutional majority is declared passed. A hundred and fifty bills to go. House Bill 1202,...Jerome Joyce. House Bill

1202, Mr. Secretary.

SECRETARY:

House...excuse me...House Bill 1202.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. We amended this bill to...so it is exactly like Senate Bill 662 which passed out of here with fifty-five votes. This amends the Comprehensive Solar Energy Act of 1977 to establish the Solar Energy Refund Program to be administered by the Department of Energy and Natural Resources. It provides that a person who owns...a department certified solar energy system may receive from the department a refund of twenty percent, capped at a thousand dollars of the cost of the system. A...refunds are dependent on State appropriations or grants. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall House Bill 1202 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. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 1202 having received the required constitutional majority is declared passed. House Bill 1206, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1206.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you. This bill adds to the State Income Tax a checkoff for higher education assistance in the form of scholarships to be awarded. It contains the Schaffer amendment, if there's not a hundred thousand bucks, it's off the...the ballot...it's off the tax return, and I would move its favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Senator Welch,...question of Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator...

SENATOR DeANGELIS:

Do you know how much we have in the Illinois State Scholarship Commission Fund to disburse?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

It's about a hundred and ten million dollars and...and, you know, I guess it's nice to collect money for scholarship, but what for? It doesn't mean anything compared to what we're doing already.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Just to emphasize what the sponsor has already said, this is another one of those checkoffs. Our income tax return is getting longer and longer and longer. I would so

suggest a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch may close.

SENATOR WELCH:

Well, just let me point out that we do provide on the Illinois Income Tax for checkoffs for several other funds. We've added a few more this year and now we're at the point where we're saying, well, wait a minute, we don't want to help students, we may not want to help them. The one good thing about the checkoffs on the income tax return, I've never been a great fan of them, but one good thing about them is it does allow for constituents to, in effect, vote with their pocketbook. If they don't like this, don't give any money to the thing and if they don't, by Jack Schaffer's amendment, the thing will be dissolved. So, I don't think it's going to hurt anything, number one. Number two, it will probably help a few kids going to college which I think is a good thing and something we should be doing, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1206 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, 1 voting Present. House Bill 1206 having failed to receive the required constitutional majority is declared lost. 1217, Senator Degnan. House bills 3rd reading is House Bill 1217, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1217.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 1217 amends the Metropolitan Sanitary District Act, increases by two thousand every two years the annual salaries of president, vice-president and chairman of the Committee of Finance. Also, provides a two thousand dollar every two year increment to board members. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

According to our...according to our analysis, there is no exclusion for the State; therefore, the State may be picking this up. Is that true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

No, that's not true. I have a letter from the sanitary district to Mr. O'Grady of the Office of Mandates and Special Programs which exempts the legislation from the Mandate's Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 1217 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take...take the record. On that question, the Ayes are 42, the Nays are 14, 1 voting Present. House Bill 1217 having received the required constitutional major-

ity is declared passed. 1232, Senator Hall. House bills 3rd reading is House Bill 1232, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1232.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It does exactly what it says here, it creates enterprise high school laboratories to be operated by the State Superintendent of Education in conjunction with the enterprise high school to provide training for enterprise high school students and to do research in areas of potential values to the businesses and other industries. What this...does is that, in effect, it establishes here, it permits school boards to act to contract with the business located within this area and these pilot tracts are successful. What it means, it means employment and it means something to do to get students back into the mainstream, and I would ask your most favorable support of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Obviously, this is going to have a fiscal impact and I...and I didn't hear that mentioned. I'm just curious as to what...what is this going to cost the State of Illinois, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall...Senator Hall.

SENATOR HALL:

I...I think the...it's...it's a million one...I don't have it hear but I think it's a million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Oh, yes, I noticed here on my analysis, it says 1.1 million dollars. The State of Illinois is going to be putting into this pilot program for a couple of schools in Senator Hall's district. I voted against this in committee, I...Senator Hall and St. Clair County is a part of...of my area, but I don't know if this is necessarily a good idea, and I probably will be voting No again. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall may close.

SENATOR HALL:

...what this does, it means that it will get people off of the rolls and the State Community College will be able to establish this small...and and provides responsibility in the college in this regards. I's ask your most favorable support of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1232 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 34, the Nays are 22, none voting Present. House Bill 1232 having received the required constitutional majority is declared passed. 1246, Senator Welch. House bills 3rd reading is House Bill 1246, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1246.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

This bill basically clarifies the law regarding payment to vendors from State agencies. What it does, it clarifies that the thirty or sixty days which in with...within which a vendor must be notified of approval of bill or invoice are calendar days not business days, and if a bill is disapproved, the vendor is to be notified within thirty calendar days rather than immediately. I'd move passage of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...any discussion? Senator Davidson.

SENATOR DAVIDSON:

Yes, Senator Welch, there's one...part of this has very good ideas to me but it also has some very big problems. One of the biggest things is, if we're going to do it in thirty calendar days, Central Management Service which has to send out the telephone bills back to the different departments and agencies for verification; therefore, you're not going to give them physically enough time for that to be verified as legitimate on the charges, and you and I, both know the telephone company does make mistakes when it bills you. You have nothing in here for an exception to the rule, and consequently, to get verification to protect the taxpayer's money that it's legitimate bill, we're going to start paying two percent interest to the phone company. Is...is there any exclusion at all in this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, none that I know of, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, have been the father of the sixty-day bill a few years back, and in working with all the different parties

concerned at that time in government who had been excessive delays in paying bills, they finally came to the fact that they could do it in sixty days. At that time the construction industry and all the other people who had come to me to solve that problem that time, said, that 's fine, we can live with it. I see one of the people who voted...who registered in support of this was a person representing the construction industry, and I...I think, frankly, they were off base. I think that we're adding a legitimate delay problem in trying to say thirty calendar days when it's going to knock at least two weeks off what the department would have to do, or if the Comptroller or the Treasurer finds a mistake, then we got to start paying two percent interest. I don't think this is a good idea. I urge everybody to vote No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, just to...to reinforce some of the arguments made by Senator Davidson, I think that this one of those ideas that sounds great, but when you try to make it work, it's not a very practical thing to do. I know in the case of my own legislative phone bill, we quite often are...we're running about a month late because of the problems in sending the...vouchers to the State and...and by the time they get them paid, my phone bill usually shows that I own...owe two months rather than one month when I get it, and I think what you're doing by virtue of this bill is simply making that problem a lot worse; and while I support what you...I think you're trying to do, once again, I think...it's not a very practical way to solve the problem.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR WELCH:

This bill is one that is designed not only to help constituents who are not paid on time, it's actually one that also helps us as legislators. I'm sure many of you receive phone calls where...on the campaign trail as we're about your duties, somebody comes up and says, hey, how come the State isn't paying my bill, and you get some hassle about that and you try to do something about it. And the purpose of this bill is to...try to encourage the State to pay much quicker, trying to get constituents happier and, perhaps, make it easier on us. I think that it's a...it's a good idea and I think it's one that we should pass.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1246 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 29, the Nays are 28, none voting Present. House Bill 1246 having failed to receive a constitutional majority is declared lost. House Bill 1251, Senator Poshard. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1251.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1251 empowers DCCA to provide information along with the Department of Energy and Natural Resources cooperation on the technologies that are available for businesses to burn Illinois coal and the feasibility of such systems. It also empowers DCCA to encourage new enterprises to use equipment that utilize Illinois coal. There are a couple

of other provisions of the bill. I think it's a good bill. It passed out of the House by a vote of 118 to nothing and out of the Senate Ag. Committee by a vote of 13 to nothing, and I would ask for your favorable consideration of the bill.  
PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator DeAngelis. Any further discussion? If not, the question is, shall House Bill 1251 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. House Bill 1251 having received the constitutional majority is declared passed. House Bill 1259, Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill...1259.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. House Bill 1258 does just as the Calendar states. It amends the Tax Anticipation Note Acts. It makes some changes in relation to the amount of notes that may be issued and the manner...the interest rate and the manner of refunding those notes. If there's any question, I'll be happy to try to answer it. Appreciate...(machine cutoff)...roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1258 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 none, none voting Present. House Bill 1258 hav-

ing received the constitutional majority is declared passed.  
House Bill 1262, Senator Marovitz. House Bill 1277, Senator  
Poshard. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1277.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the  
Senate. This bill proposes to create the...corporation for  
innovation development which is formed to generate private  
venture capital to foster a new research, new businesses and  
new industry into the State of Illinois. It would provide  
for State corporation operated by five appointees of the  
Governor and the legislative leadership and by the directors  
of the Department of Labor and the Commerce and Community  
Affairs. The purpose would be to raise funds to make invest-  
ments in small business establishments and other industry  
that might want to move to the State, and I would ask for  
your favorable consideration of the bill. Be happy to answer  
any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the  
Senate. I'll be very brief, as Senator Demuzio said, 'cause  
I would like to be home before 2:00 a.m. I appreciate the  
concern of the sponsor. But when you look at the income tax  
credits available, there is one question I want to ask  
directly, 'cause no more than five million in credits may be  
granted in total. Is that five million in credits for one  
investor?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

It's for all taxpayers for the three-year period.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Okay, what we're saying is, this does allow a tax credit carryover so that if...if the amount of credit you've got is more taxes than you were going to pay, you can carry the credit over to the next year, which was an innovative idea that the Federal Government does, but needless to say, that's why most major corporations don't pay taxes, 'cause they carry these credits over constantly. There are many small business programs already in Build Illinois and a series of others, and I laud you for your effort,...you always hate to stand up and oppose a program like this, but you always say, well, we got forty-five thousand programs for small business. The average small businessman never hears about them anyway, doesn't utilize them and if...an example, the small business administration is usable, they don't always work that well. Sometimes we're better off letting innovative businessmen be innovative businessmen and quit trying to innovate for them. But I appreciate your concern, I just don't think it's practical.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR ETHEREDGE:

Senator, who is...who will designate those fortunate individuals that are going to get the tax credits?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

The corporation itself, Senator Etheredge.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

So that the...the director of the Department of...of Revenue and and of Labor and DCCA and then the...the other people appointed by the legislative leadership then are going to sit around the table and...and designate those people that will be...whose investments will be eligible and those that will not. I can see...just within that mechanism alone, I can see quite a few administrative problems that...that are going to arise. There...you also have built into the legislation a five million dollar cap, you know. This...is this going to be first come first served? I mean, who really knows what the...what the credit is...is going to...going to be? You know, if you okay the investment, that does not tell you what the credit is going to amount to. It seems to me that you could be...have some considerable difficulty after the fact...after a credit has been earned under the provisions of this bill determining who...who of those eligible for the credit are actually going to get it. I...as I...I reluctantly rise in opposition to a bill that is designed to encourage investment in Illinois small business, but I think that...that this is not the way to get the job done. I...I think that this would result in quite a few administrative nightmares. I think we've already set in place a number of other programs that are directed toward the same general goal, most of those programs are new. I suggest that we vote this proposal down, give these other programs a...a..a chance to accomplish the same objective.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I don't think this a bad idea. The only problem is, we've already done it. We established within the last couple of years the Venture Capital Fund within the Department of Commerce and Community Affairs, and there's a hundred million dollars that is lying in the fund. The money was just put together in March of this year, I believe, and so the allocations have not really been made from that fund. We have a lot of good ideas around here but it seems to me that we're tending now to begin to duplicate those that are already in the works, and it occurs to me that this is one of those instances. We probably should wait and see how successful our Venture Capital Fund is going to be before we embark on one more program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR DeANGELIS:

Senator Poshard, what qualifies for a deduction?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

The corporation that will be appointed will formulate the rules and regulations. They have the right to...to appoint a general manager who is a person of recognized ability and business experience to...to include engineers, accounts and so on in this operation that will make the determinations as to who qualifies for...for this investment credit.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I apologize, Senator Poshard. That was not my question. What I mean is, what qualifies? Is it loans, stocks, guarantees, deposits, what...what qualifies?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

...it will be treated like any other corporation...just a second, I'll...loans, guarantees, yes. Those...the very things you just mentioned would qualify.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Poshard, I have never heard in my entire life when someone can deduct a loan from their State Income Tax. What happens when the loan is paid back?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

I'm...I'm sorry, Senator DeAngelis, I...I misunderstood your question. I was talking about the...the financing from the corporation itself and what may be included in that in terms of equity, investments, loans, guarantees, commitments for financing and so on. What qualifies as a tax deduction is the investment in the corporation or in any entity the corporation deems appropriate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

END OF REEL

REEL #8

SENATOR DeANGELIS:

Is a loan considered an investment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

I...I wouldn't assume so. I...I don't think it would qualify as a deduction.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

...I think you'd better read the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There further discussion? If not,...Senator DeAngelis.

SENATOR DeANGELIS:

(Machine cutoff)...to address the bill. I mean, I have never seen a situation in which...and believe me, I am not shy at all about accepting tax credits or even giving them, but you've got a bag here that I've never seen ever given out as tax credits and there's no mechanism in the event that the equity is either returned or the loan is repaid that the State is ever going to recover its money.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR POSHARD:

Thank you, Mr. President. First of all, I might point out that the Venture Capitalism Fund is in the Illinois Finance Development Authority and that is State monies. What we're after here are private funds to...to encourage private investment in the State of Illinois. Recently, I was

HB 1279  
3rd reading

listening to a conversation over KMOX...radio in St. Louis, a conversation with the first vice-president in charge of investments of the First National Bank of Boston, Massachusetts. He was talking about the tremendous amount of high technology enterprise that has developed in and around the Boston area as well as in Southern California; thus, the creation of a subpar five percent unemployment rate in those areas. Upon the inquiry as to how they were able to create such enterprise and such business development in those areas, he...he...he replied with this, he said, private capital investment from the midwest, from Illinois, from Michigan, from Wisconsin, our money going to the east coast, to the west coast to finance high technology investment, small business, new industry. This simply creates a mechanism for private venture capitalism to stay in Illinois, not State monies to try and to bring in jobs but private, investment capitalism right here in Illinois. This creates the mechanism. I think it's a good bill and I would ask for your support of the bill. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1277 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 27, the Nays are 25, 4 voting Present. House Bill 1277 having failed to receive the constitutional majority is declared lost. For what purpose Senator Poshard arise? Ask leave from the Body to put 1277 on the Order of Postponed Consideration. Hearing no objection, leave is granted. House Bill 1279, Senator Nedza. On the Order of House Bills 3rd Reading, House Bill 1279. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1279.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The bill would allow the RTA to conduct a study of the adequacy of police protection on the public transportation systems under its jurisdiction. There's an amendment offered to the bill which would allow...and it dealt with the Suburban Bus Board which would allow the directors of which...all directors are mayors of the respective municipalities, would allow a director to conclude his term even though he was no longer the chief executive of that municipality. If there's no questions, I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1279 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. House Bill 1279 having received the constitutional majority is declared passed. House Bill 1284, Senator Chew. Read the bill, Mr...

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1284.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Yes, 1284 is a bill that prohibits insurance companies from refusing to enter into a contract based on the amount of

business that was written prior to an independent agent applying to do business with the company. I don't know of any opposition. I think it's a good bill. I'll answer any questions. Otherwise, I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1284 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. House Bill 1284 having received the constitutional majority is declared passed. House Bill 1285, Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1285.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. House Bill 1285 amends the Administrative Procedure Act to permit a State agency to submit an agenda of rules, it is considering proposing to the Illinois Register. This bill...sets forth certain guidelines as to how this prerule making procedure is to function, and if there are any questions, I'll be happy to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1285 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. House Bill 1285 having received the constitutional majority is declared passed. House Bill 1292, Senator

Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1292.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I want to assure the Body that this has nothing to do with the custody of children in divorce cases. It deals with the rights of the persons in nursing homes to...as to withdraw from the residents' accounts. It spells out the situation under which the deposits must be applied for the benefit of the residents and under what circumstances those deposits can be applied for, any remaining financial obligation upon the resident's death or discharge. I ask your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1292 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. House Bill 1292 having received the constitutional majority is declared passed. House Bill 1306, Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1306.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JERENIAH JOYCE:

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

HB 1317  
3rd Reading

House Bill 1306 deals with those situations where Chicago police officers and Chicago firefighters sustain an injury in the line of duty and the individual officer is being dunned for the bill because the municipality is late in paying it. It only applies to the City of Chicago. There is an amendment that we have accepted that was put on by the medical society, and I ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...there discussion? If not, the question is, shall House Bill 1306 pass. Those in favor will vote Aye. Those opposed vote Nay. The...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, 1 voting Present. House Bill 1306 having received the constitutional majority is declared passed. House Bill 1317, Senator O'Daniel. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1317.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the Senate, House Bill 1317 as amended amends the Use Tax Act to define gasohol as having been produced from cereal grains grown in the...in the...in the U.S. Also, it...it was amended in...there was an amendment put on it in the House to remove the...thousand dollar threshold on farm equipment and parts...and this was the companion bill to Senate Bill 429 that passed out of here 57 to nothing. I would appreciate a favorable roll call. I'll attempt to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, is this where they're trying to prevent importation of any ethanol from other countries to reduce the price that we use when we mix?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel.

SENATOR O'DANIEL:

Yes, this is...actually,...what this was for was to combat the cheap ethanol that's coming from Brazil made from sugar cane.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, it's my understanding that there is a question of the constitutionality of whether this is...we as a State can, by law, prevent the foreign trade and prevent this coming in, and there's also a question on whether on...on how you can check whether the ethanol is produced with sugar cane or with...with grain and...also this would prevent those in the United States from developing ethanol out of potatoes or other...or our own sugar...wouldn't it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel.

SENATOR O'DANIEL:

Well, at present here in this country, they are not using...cane or sugar beets or anything of that nature and I think it is constitutional. It was amended...here...in the...in committee to specify as grown...produced from cereal grain. I think this takes care of the constitutional problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, it just strikes me as odd that we're concerned about our constituency and providing some economical fuel for their use and automobiles and whatnot, and yet, when there is a way to enact some savings, we want to restrict that and prevent...prevent them from getting any gain from the savings. I...I just think it's contradictory to what our purposes here are for, and I would vote against this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Joyce, Jerome.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I rise in strong support of this legislation. Senator Savickas mentioned the sugar cane and potatoes. We don't grow much of that in this State, but we do have a labor force in this State that is not at work and if we pass this legislation, it's going to put the biggest industry in this State...it'll at least help put them back to work. Maybe they'll buy a tractor or a combine and put some of Senator Savickas' and some of our urban people's...constituents back to work in the factories. I think this is an...excellent piece of legislation, it will help the hard pressed agriculture community in this State and it will also help our urban people get jobs back at decent, high paying wages making equipment that agriculture can use. I think this is an excellent bill. I don't think we need to look out for the major oil companies in this State this year. I think we need to be more concerned about this...this country's...or this State's major industry and that'll put more people back to work than any of the major oil companies will in this State. So, I would urge adoption of this piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay, we...we have three...two additional speakers. We are down to a hundred and twenty-five bills or thereabouts

now. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. One concern that I have about forbidding the importation of ethanol is that some of the small jobbers are having a...a problem of getting ethanol at a reasonable price. We have ethanol that is made here in the State of Illinois that's selling for twenty or twenty-five cents a gallon more in Illinois than it is in Indiana or Iowa. One...one manufacturer is only selling by the fifty-five gallon barrel now. There's some real problems here, Senator. There's many small distributors here in the State of Illinois that are having to blend in order to come up to the proper octane and it's only going to get worse as we phase out lead, and to restrict, particularly in a...in a...at a time when we're...when they're having to pay twenty, twenty-five cents more per gallon for that made here in the State of Illinois than they're paying in Iowa, Indiana, it's only going to exacerbate the border problems. I...I don't know what the answer to it is. We'd certainly like to use more grain, more corn in the manufacturing and...and increase the refining capacity, but I...I don't know what's going on in this whole bit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I rise in favor of this bill and I, like some of the other speakers, that...that feel that agriculture today certainly needs a...needs a boost. I think this bill does that. For those that are concerned about...and, Senator Weaver, I understand some of the problems but some of the...some of the jobbers and especially some of the other petroleum companies have an opportunity to manufacturer alcohol if they so desire but have chosen another...another direction to go. So, I

HB 1318  
3rd reading

don't really feel sorry for them and I think for us to jeopardize...agriculture at the expense of the...the manufactures, I think, is totally wrong. This bill is a good bill. The exemptions here is good. It's going to strengthen agriculture and they certainly need it because it's going to help the rest of the State, and I'd ask for a favorable roll call on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator O'Daniel may close.

SENATOR O'DANIEL:

To...to answer some of Senator Weaver's concerns, we're not...we're not saying anything about Indiana or Iowa or anything like that, we're just talking about the foreign ethanol that's being produced in Brazil and putting our...our people at very much of a disadvantage. You know, ADM right near Senator Weaver's hometown of Champaign is...is one...a very big employer of...of people that are producing ethanol and...and I think this is a...a bill that's very badly need, and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1317 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 48, the Nays are 6, 3 voting Present. House Bill 1317 having received the required constitutional majority is declared passed. 1318, Senator Kelly. House bills 3rd reading, House Bill 1318, Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1318.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 1318 exempts the towing of wrecked vehicles ordered towed by law enforcement agencies from being regulated by the Illinois Commerce Commission. Current law in Illinois is that the towing operators do not need Illinois Commerce Commission authority for trucks that are used exclusively for the towing of disabled or damaged vehicles. The bill...this bill clarifies that language and it permits the use of newly developed equipment such as the tilt bed and the rollback car carrier. There was an amendment adopted which deleted the towing companies and made it towing services and it also allows for the...the towing in emergency cases to a...a local repair shop or gas station to make repairs. Other than that, I'll try to answer any questions you have and appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Just a question. This doesn't take the relocater operators out of the purview or jurisdiction of the Illinois Commerce Commission does it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

I can't answer that. I'm not sure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I'm just going to assume it doesn't, 'cause I think we probably would have heard about it if it...if...if it did, but I think this bill will be coming back, so no problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we now have two additional speakers. Senator

Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I wasn't aware of this bill, but as I read the bill and the...and the amendment, I get the distinct impression that a body shop operating a towing service who would respond to a State police telephone call could not provide that towing service unless they were registered and certified by the Illinois Commerce Commission. Is...am I correct in that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Well, I...I'm not so sure if it...it doesn't change that...aspect at all as far as the current law, the way I read it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman...Schuneman.

SENATOR SCHUNEMAN:

Small body shops around the State who operate a towing service, are they required now to get a certificate...to operate by the Illinois Commerce...from the Illinois Commerce Commission?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

I'm advised they are.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, that...that may be true, that was not my understanding; but the other question, I guess, is our...our analysis indicates that this bill is opposed by Illinois State Police. Are they still in opposition?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

I don't believe with the amendment we have that they're in opposition. I haven't gotten any information that they are in opposition, at least after the amendment was adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is,...Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR HALL:

Senator Kelly, I don't know where this question that was asked and I...I don't know it myself. What is the professional towing and recovery operation of Illinois? What is that?...was there...was such a question asked? I don't know, I just...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Mr. President, let's just take this bill out of the record. We can talk about this further down the road.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Two purposes actually.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...well,...well, let's...let's finish. Senator Kelly requests leave to take this bill out of the record. Is leave granted? Leave is granted. Take it out of the record. Senator Rock.

SENATOR ROCK:

All right, I've just concluded a meeting with Senator

Philip and we've decided...and for the physical and mental well-being of all of us, we will set the schedule and work until 8:00 p.m. tonight and then call it a day. If need be, by eight o'clock we see the necessity for a...a move to extend the deadline until tomorrow, we will do so, but I think plan on eight o'clock tonight; otherwise, we're all going to get nutty...additionally, I'm sure you're aware that the Governor is hosting at this moment the gentleman from Chrysler and Mitsubishi. Senator Philip and I were kindly invited to also attend. We have instead suggested to the Governor that the Senators in the area that the Mitsubishi folks are interested in attend, and so Senators Sommer and Luft and Maitland are at the Executive Mansion at this moment at Senator Philip's request and mine. So, I would ask the members to bear that in mind when their bills come up. If somebody else wants to handle them, that's fine. In any event,...they...they are...have been excused for official business purposes. So, we'll work until eight. I would encourage you to...encourage all of us to move as quickly as possible and then we'll...if appropriate, make the proper motion and start again tomorrow morning at nine o'clock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Top of page 15, House Bill 1335, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1335.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1335 amends the Public Aid Code by first requiring notices to be posted in all public aid offices that

describe rights of clients, to be courteous and give courteous treatment to the recipients...with an appeal to denial. Now this passed the House overwhelmingly with no opposition. Then the second position of this bill is they extended to the public aid benefits to the maximum extent that's allowed by our Federal law. It would provide medical coverage for former recipients who have left the welfare rolls to take low paying jobs that do not include any health benefits. These benefits would not be provided in the cases of former recipients who have secured jobs that pay a sufficient amount so that they are beyond the so-called earned income category, nor would these benefits apply to households where any other health benefits are available. Medicaid would then continue to be a...the payer of last resort. This bill takes our present policy of continuing medical coverage from the minimum nine months to the maximum of fifteen months that is allowed to us by our Federal law. The real purpose of this legislation is to keep working mothers working. We are trying to establish a safety net. If it should be needed if one of her children become seriously ill or needs routine but costly medicare, she may be forced to choose between the impossible costly medical bills or quitting her job or either go back on public aid. What we are trying to do in this legislation is to keep the mother working so that she will not have to resort back to public aid. Each states have this option which decreases the...decrease the welfare load, and I ask the Assembly to please think kindly toward this legislation and give me an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I would have to speak in opposition to this bill and we have no problem with the first part,

Margaret, I think that's every laudable and I also think the second part is in concept; however, Department of Public Aid already offers the nine months for the extension of the green card, and what you're trying to do is...is strengthen it or...stretch it to the fifteen months. What the Federal Government requires in that extra six-month period is extensive administrative proof of eligibility which means on that six month period that each one of those recipients must come in on a monthly basis to prove their eligibility, and I think that it...it...it's just very difficult for that to happen, and I would just move for its...I would just have to speak in opposition to this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, very much, Mr. President. There is some...there is some credibility to the...to the representation that has just been made, but let me just say this, what we're talking about is a minimum number of families. For example, in Massachusetts they've had this program in effect and over the past year they had a total of fifty families to take advantage of this...of...of this extension, the six months. Now, Massachusetts' load is about a quarter of that of the State of Illinois. So, we'd be talking about...perhaps about two hundred families. I...I think that what we have to weigh is the difference between having people come back on the rolls and be completely...completely and on the expense seat of the State of Illinois as...at which time, of course, they would have those medical benefits that we're talking about. So, it isn't a question of extension and...and loss of dollars from the use of the green card. The fact is, that we'd have...we'd have the fiscal savings of having these people at work at the same time. So, it seems to me that on balance, this is a good deal for the State and we ought to

support it. I would urge the support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse. I'm sorry, Senator Watson.

SENATOR WATSON:

Thank you...

PRESIDING OFFICER: (SENATOR DEMUZIO)

No, I'm sorry, Senator Watson, you don't look alike, I just...Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like to ask a question in regard the amendment. It has reference to the Pharmaceutical Assistance Act. I...I'd just like to know what are the provisions in here and what does it do to the Act...the Pharmaceutical Assistance Act?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Smith.

SENATOR SMITH:

This...the eligibility of such a person for medical assistance under this Article is not affected by the payment of any grant under the senior citizens and disabled persons property tax relief and...Pharmaceutical Assistance Act. This here was already in the bill and this deals...dealt with the senior citizens.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Chew.

SENATOR CHEW:

Thanks, Mr. President. If we talk about saving money for the State of Illinois, this is really one vehicle that does, in fact, save money. Senator Newhouse is absolutely correct on the Massachusetts proposition and certainly we wouldn't have an overflow here, but if you just think of staying off welfare and extending it for that period of time versus going back on welfare which mandatory that they get it, we can

automatically discern the difference in the savings there, Mr. President; and I, too, would urge an Aye vote on it because it's a money-saving proposition...on the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Smith may close...oh, I'm sorry, Senator Dudycz. Senator Dudycz.

SENATOR DUDYCH:

Yes, I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he...she will yield. Senator Dudycz.

SENATOR DUDYCH:

In our staff analysis...without the amendment, it says that there was no fiscal impact and Senator Chew just stated that with this amendment this is going to save us some money. How much money is this bill going to save us?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Would you please repeat the question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCH:

Yes. Our analysis states that without the amendment there's no fiscal impact on the State of Illinois. Senator...Chew just stated that with the amendment, this legislation will save the taxpayers some money. How much money will this save the taxpayers?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith, do you...do you wish to yield to Senator Chew? Senator Chew.

SENATOR CHEW:

I would yield to Senator Newhouse on it. He has better...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Chew yields to Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Senator, while I can't give you a figure, I can give you an idea. All right? What we're talking about is people who are off the rolls who are making money...at something like the public aid level. Okay? Now, while...so, that in itself is a saving to the State. The difference we're talking about is the green card, in fact. Now, if they go back on the rolls, they have the green card. So, you've got the double whammy. Instead of having people working with a green card so that if the occasion arises they'd have medical coverage, you'd have people who are not working, who are on the public aid roll costing the State those dollars and on top of that having the green card, so the savings is what we would pay out in public aid benefits.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

...well, it's my understanding that we're already doing it for nine months. Is that correct? What...what will the additional six months do for us?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

The additional six months would provide the coverage so they don't go back on the rolls. If at the termination of the...of the nine-month period there is something that...something happens, then that person will go back on the rolls and have the coverage. It isn't either/or, they'll have both. So, what we're doing is just giving it a sort of a safety net so that we can get them beyond a period where they'll be...get the regularity and the experience necessary

to stay at work. It's a work...this is a work program and the benefit is, we save public aid dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCH:

Well, where do we...where do we stop the safety net? Why continue six months? Why not six years or...or sixty years or sixty days?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Smith.

SENATOR SMITH:

Senator Dudycz, may I say this, this is by the Federal Government, the six months, and this...remember, this is only optional. Everyone don't have to take it...the option of this and the...the Department of Public Aid cannot give you an accurate count. It's about...say about twenty percent of the caseload, which would be about two hundred people out of ten thousand people. You're not...you're trying to help and encourage these women to stay on their jobs. Now, they had something like this out at County Hospital and they let those people out and every one of them were devastated, they didn't know what to do. We are merely trying to provide a vehicle that these women who want to go to work can have some incentive. Don't be so insensitive. My goodness, what have you got? We're merely trying to help these people, that's all we can do. Do you have an answer for them? These are mothers who do not want to go back on welfare. We had a program here with the corps...mothers. Women who do not want to be a part of welfare. They have dignity and all they ask us to do is to help them to help themselves. Now, the government has given us a provision. Now, let's go along with it. The State has only have to pay part of it, and all I ask...and the welfare has gone along with this. So, all I'm asking for you...your Aye vote. Please help us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1335 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 32, the Nays are 21, none voting Present. House Bill 1335 having received the required constitutional majority is declared passed. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

I'm sorry, but I would request a verification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Donahue has requested a verification. Will all Senators be in their seats. The Secretary will read the affirmative votes.

ACTING SECRETARY: (MR. FERNANDES)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Donahue, do you question the presence of any person who voted in the affirmative?

SENATOR DONAHUE:

Senator Hudson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson here? Senator Hudson on the Floor? Senator Hudson on the Floor? Strike his name.

SENATOR DONAHUE:

Senator Dawson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson on the Floor? Senator Dawson on the

Floor? Strike his name.

SENATOR DONAHUE:

Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch on the Floor? Senator Welch is at the back of the Chamber.

SENATOR DONAHUE:

Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones is sitting in his seat where he's suppose to be.

SENATOR DONAHUE:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll is...just walked in the door.

SENATOR DONAHUE:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas? Standing right here at the Podium.

SENATOR DONAHUE:

I've never done this before. They...they do pop out of nowhere, don't they?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...Senator Dawson has just returned to the Chamber. Restore his name. Senator Donahue, do you...

SENATOR DONAHUE:

Thank you, Mr. President. No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On a verified roll call, there are 31 Ayes, 21 Nays and none voting Present, and...and House Bill 1335 having received the required constitutional majority is declared passed. House Bill 1338, Senator Degnan. House bills 3rd reading, House Bill 1338. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1338.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. This is the annual Validation Act for the Cook County and Cook County Forest Preserve Districts to validate their appropriations and tax levy ordinances for 1983.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is shall House Bill...Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I just have a quick question. I have wondered ever since I got to the Legislature why it is that we have to validate the...the levy ordinances in Cook County and the forest preserve when we don't do that anyplace else in the State?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Degnan.

SENATOR DEGNAN:

I have wondered that also, but we do it every year and I'd ask for your assistance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1338 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 are 2, none voting Present. House Bill 1338 having received the required constitutional majority is declared passed. House bills 3rd reading, House Bill 1341, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1341.

{Secretary reads title of bill}

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. We, in this Body, not too long ago,...increased truck weights and increased truck lengths. It now seems logical to approve the changes called for in this bill that would permit tow trucks to handle these heavier and longer trucks. The current law exempts tow trucks from any regulation of weight limits when towing a disabled vehicle to the nearest qualified repair station. That's one of the points where that qualified repair station, the interpretation of that is one of the points we're trying to clear up, and that is possible provided that neither vehicle is in itself overweight. This bill actually tightens down and is much more restrictive than the present law. It sets specific limits of weight, twenty-four thousand single rear axle, forty-four thousand tandem rear axle. It'll...it...limits the distance to within fifty miles of the initial point of the wreck or disablement and requires the equipment to have the...the proper lights to be able to tow in...to tie in to...to the lights and the breaking system of the vehicles being towed. Since this is really more restrictive, I ask that this bill be given a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there any discussion? If not, the question is, shall House Bill 1341...wait, Senator Schaffer. Senator Schaffer.

SENATOR SCHAPPER:

I...I note in the synopsis that it says that you can't tow a vehicle that doesn't have valid license plates except

by order of a law enforcement officer. If I wake up one Sunday morning and find a car in my front yard, on my well, how do I get it off my property if it doesn't have a license plate, and I...and it's Sunday, and I...and the cop says, we'll see you Tuesday and I kind of what to have my well to operate?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

I don't know the connection with this particular bill, except what I would do, Senator Schaffer, is I would call the police department, the police would come, and they would call the tow truck and in this case too, if there is some other violation of length or width or whatever, that the police can give permission for the towing unit to move it and to get it out of the way and that would be the answer in your case.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 1341 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. House Bill 1341 having received the required constitutional majority is declared passed. 1353. House bills 3rd reading, House Bill 1353, Mr. Secretary. Read the bill, please.

SECRETARY:

House Bill 1353.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and members of the Senate. House

Bill 1353 provides that public museums also means of the facility operating for the purpose of cultural development. We have in our State forty-one museums and under the current Statute, the Department of Energy and Natural Resources is responsible for State museums and to contribute to the support of the public museums in this State. This bill would expand the definition of public museums by adding to the current definition, "Promotion, cultural development through special activities or programs," and hence would enable the Department of Natural Resources to contribute to public museums for such cultural purposes. This also acts as a basis for extended programs that monies can be appropriated in the future to help the...the development and expansion of these museums in our State, and I ask for your favorable vote if there are no questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill was heard in the Executive Committee and there are some problems, I think, with this in that this, in effect, would establish a new program for which there is no appropriation and which is not in the Governor's Budget. In effect, what the sponsors and supporters of this legislation are trying to do is expand the purpose of the...definition of public museums in the law to include special activities and programs, and it appears that the real purpose of the bill is to build a multipurpose theater auditorium and exhibit gallery at the...DuSable Museum and there was an appropriation bill of two and a half million dollars for that purpose but that bill was Tabled in the House. I suggest to you that we probably should not approve this bill because there's no appropriation to fund it and there's some serious consideration as to whether or not we ought to be starting in this direction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. The previous speaker said it's to create a new definition. It expands the definition of public museum, Senator Schuneman, it doesn't create. The creation is already there. As far as building the theater to DuSable Museum, do you find anything wrong with that? It happens to be for your edification on the southside of Chicago. The director was Mrs. Margaret Burrs...Doctor Margaret Burrs. She's one of the most outstanding citizens in the City of Chicago or the State of Illinois. Now this bill came out of committee, passed the House, I don't know where the problem is on this bill. I don't see one. Mrs. Smith is the sponsor of this bill, Senator Brookens was in the House and it updates the reference to read, the Department of Central Management Service instead of the obsolete Department of Administrative Services; and if a museum is built, I think it would be a cultured advantage not only to Chicago but for the State of Illinois. If you would take time and go by the DuSable Museum, Senators, you would certainly leave there with a different opinion in its entirety as to what the museum is all about. The few things that are designated here are important. No one has time to waste for the benefit of wasting time. Mrs. Smith is definitely encouraged on this bill. It encouraged all of us. It's not a white/black issue. It's an idea which time has come and this legislation should be passed and signed by the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew, could you...

SENATOR CHEW:

And I would ask for a favorable roll call on House Bill 1353 from all of my friends.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, if I may ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield, Senator...

SENATOR TOPINKA:

Would this apply to some of these little suburban type museums that many of our municipalities or historical societies run?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you. Senator Topinka, I have in my hand here a list of forty-one museums that are residing in our State. I have from Springfield, Batavia, my home; I have from Glencoe, I have Brookfield, Illinois; I have Des Plains, Pekin, Wheaton, Elgin, DeKalb, Elmhurst, Evanston, Glen Ellyn, Aurora, Freeport, Galena, Joliet, Kankakee, Libertyville, Peoria, Decatur, Bloomington...two in Decatur, Bloomington, Addison,...Palatine should I say, Hennepin, Rockford...Rockford, Freeport and west Chicago, Illinois. To answer your question, this includes all and all of them are advisable to...and...and free to accept anything that this bill has to offer. If they want to expand, the vehicle is here. This is all we're trying to do in this particular piece of legislation is provide the vehicle that if any of these museums want to ask for a grant or anything, that...the mechanism is here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1353 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 38, the Nays are 16, none voting

HB 1393  
3rd reading

Present. House Bill 1353 having received the required constitutional majority is declared passed. 1389, Senator Netsch. House bills 3rd reading, House Bill 1389, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1389.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This bill was requested by the Comptroller's Office and its purpose is to make it easier to transfer all of the information...financial information that is received from units of local government on to the Comptroller's electronic data computers. The fire districts who currently file...or file their audits but not a report that can be transferred into the computer system, this would make it clear that their information would be...it's not a heavy burden on them because they already file an audit and all they have to do is...take some information off of that form that is already easily available to them. It is supported by the Comptroller's Local Government Audit Advisory Board, the Municipal Audit Advisory Board and the County Audit Advisory Board. I'd be happy to answer any questions; if not, I would solicit your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1389 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, none voting Present. House Bill 1389 having received the constitutional majority is declared passed. House Bill 1393, Senator Sangmeister. Read the bill, Mr.

Secretary.

SECRETARY:

House Bill 1393.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is...Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This bill originally was on the Agreed List and I understand that somebody got enough signatures obviously to knock it off. If there is some concerns, I certainly want to address those. Simply what this bill does...and I want you to know that this is introduced...by the...Illinois Association of Park Districts, it's their bill, that doesn't make it sacrosanct just because it's their bill, but it would allow them and other taxing districts to do what I think is a very wise thing to do and that is to go into risk management programs. Now, for those of you that don't know what a risk management program is, it's simply a program where you bring an expert in who takes a look at your operation and tells you where, in effect, you could be sued because of a negligent type of operation that you're conducting. Surely you understand what the park districts...one of their big problems has been that they are getting sued because of young people who are, say for example, I guess it did happen over in Gary, Indiana, so, but it would still be germane here in Illinois, where a park district left a swimming pool unattended and some kids...died in it. I...now if you had a...an expert that came in, although you'd hardly need an expert in that case, could tell you that you really ought not to do that, that that ought to be fenced off and that that pool ought to be drained. That's what...what...risk care management is all about. Private industry has been doing it for years. And actually instead

of a cost increase, because you can levy...for this type of...of a plan, it should be a saving for the simple reason that your insurance premiums are going to go down. Park districts and other taxing bodies pay on the basis of what their experience is, and if the experience is bad, you're going to pay more. This is to save taxes, not...not raise them, and I'll be happy to discuss that issue further with anybody. If there are any...objections, I'd appreciate an approval for the park districts and other taxing bodies.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have Senator Keats, Schaffer and Schuneman. Senator Keats.

SENATOR KEATS:

Thank...thank you, Mr. President. Actually, I didn't knock it off the...the...list, but as reading it over now, I...I can see why someone did. We've...we've got some legitimate questions. First of all, in terms of...according to our analysis, there's a provision for the issuance of bonds and tax anticipation notes to cover unpaid tort judgments. Is that a new provision of the law?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, that's in the law right now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Keats.

SENATOR KEATS:

What...what does a risk management program cost?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I can't put a figure on that, but I think you...I asked that question of the park district people and they estimate it would probably cost a couple of thousand dollars to bring

in some people for a week to review their...their parks to see what they are doing that's wrong that they can reduce their...their liability. That's the best figure that I can give you, a couple of thousand dollars to bring somebody in to take a look at what's going on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

This a referendum item?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

You...you want a referendum for...to spend two thousand dollars for the park district to take a look at what's maybe a problem?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

No...no, you misunderstand my...misunderstand my question. In terms of a tort...immunity, the tort liability insurance, that's a separate levy. Is that a referendum levy...which...'cause this would be...the money would come under that. Is that a referendum levy?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, that is not a referendum...levy for the simple reason if your park district gets hit with a judgment whether the funds are there or not, you're going to have to levy to pay for it. All they want to do is under that same levy is to use some of those same funds to be able to reduce their...their outstanding liability, and I think that, frankly, makes sense. I also would say to you, I think they can do it under the present law but this would make it clear

that they can use funds for that purpose.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAPPER:

Senator Sangmeister, I didn't take it off the list either, maybe Senator Bloom did, I don't know. That got his attention. I'm kind of curious about the complete...sorry to mess up your day...I would like a little more definition of risk care management. We're not talking about if...if you hire the consultant, they come in and say, hey, your fence around the swimming pool isn't big enough, it should be here, and you got to have double lock on the gate. We're not talking about the cost of putting the fence up, we're just talking about the management, the...the looking at and...and what have you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

That's a very good question I hadn't even thought about, somebody may be thinking of that. That's not my interpretation of this, this is only to cover the cost of a risk care management program, not...not the...the program of rebuilding or putting a whole new fence around it, that's got to come under...under your operating budget. But just to bring somebody in to say that fence is defective and it ought to be repaired, not the cost of repairing it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAPPER:

I believe that we have a...a similar program at the State level which I think has made a lot of sense and saved an awful lot of money. I think at the State level we have...actually have a couple of people in a division that does this. Could a...a large park district hire a full-time

person to do this and...and put it in that area? I mean, I'm obviously thinking about Chicago or one of the super big ones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, surely you could hire a full-time person to do this but I...I think that would be a waste of...of tax money because what you really need is a survey to be done. Once the survey is done of what's wrong...course, obviously, there can always be a continuing on-going survey. But I don't think you want a person hired full-time all the time just to be seeing what's wrong with what the park district people are doing or any other taxing body.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Does this increase the authorized tax levy, George?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, it does not increase the...the...the tax levy but allows funds that are raised under the existing tax levy to be used.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, thank you. Mr. President and members of the Senate, this is a good bill. For many park districts and other...units of government who have large insurance pro-

grams, many properties to manage, they need the kind of expert help that is oftentimes provided by a risk manager. There are many cases where the park district, for example, may be better off not to insure some things, they may not recognize that. The risk manager is an expert in figuring out what the park district ought to insure, what it not...what it should not insure. He's an expert in...in advising them on how to reduce their risk and this is a legitimate expenditure of those funds. We ought to support this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 1393 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 4, 1 voting Present. House Bill 1393 having received the constitutional majority is declared passed. House Bill 1395, Senator Nedza. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1395.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1395 as amended now permits downstate districts to generate the necessary funds required by referendum up to ten percent to address those repairs and/or alterations to their facilities required to meet standards imposed on them by another regulatory agency. The objections that were to the bill were removed by the amendment and I know of no others and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Keats.

SENATOR KEATS:

Quick question. Life Safety funds. Now for any of us who've been on the Education Committee for years remember probably the single, most abused nonreferendum tax in the entire State is the life safety. They build...running tracks, light field houses, replace windows, put in concrete sidewalks across lawns. Who reviews what's a life safety program to find out? I know when you say referendum, if you look at the amendment, there's no referendum up-front and then a referendum for the second one, so, it's a partial referendum...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR KEATS:

...who reviews those projects?

SENATOR NEDZA:

Senator, it says the proposition to oppose a tax under this section may be initiated by resolution of the local park. That's it. No matter what you're going to be doing with it, that's what it has to do, and on...upon approval of a proposition by the majority of those electors voting thereon.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

The approval of the individual projects takes a...that's what I'm saying. Who approves when they decide to...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR KEATS:

...to build a new field house off this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

HB 1410  
2nd Reading

...Senator Nedza.

SENATOR NEDZA:

No matter what...Senator Keats, no matter what they do. The amendment...Senator Watson's amendment deleted everything in the bill other than whatever they wanted in the bill must be done by referendum.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 1395 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 49, the Nays are 5, none voting Present. House Bill 1395 having received the constitutional majority is declared passed. House Bill 1410, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1410.

{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. House Bill 1410 has two different parts in it. First,...the first part amends the Illinois Public Aid Code. It prohibits a nursing home from knowingly charging a resident for covered services paid for by the Medicaid program and prohibits a nursing home from knowingly charging, soliciting or accepting any gift, money, donation or other consideration as a precondition to admitting or...expediting his or her admission to a nursing home, in other words, under the table payments, or as the requirement for his or her continued stay when the services are paid for my Medicaid. The second part of the bill amends the Nursing Home Care Reform

Act of 1979, and I think this is the most important part of the bill in terms of people-oriented services, in terms of cost effectiveness and cost containment. It prohibits a facility...a facility from involuntarily discharging a resident when the resident switches from private pay to Medicaid, and it establishes a ten-day bed hold policy for each hospital admission. This ten-day policy is already in the public aid regulatory policy. We are putting it in the Statutes. We are codifying it, this ten-day bed hold policy. It establishes a business offense of not less than five hundred dollars or more than a thousand for the first offense and not less than a thousand or more than five thousand for each subsequent offense. In other words, what the second part of the bill is saying is that if a resident has been in a nursing home as a private pay patient for five years and depleted his or her net worth, savings, and eventually has to go on Medicaid, that facility can't say, well, we've gotten all your money, we got all your life savings and now goodbye...you can't stay here anymore. It prohibits a facility from saying to someone who is sick and has to go to a hospital for a short-term stay from saying, okay, we're shipping you off to that hospital but your bed is not going to be there when you come back. They can't do that. Other states have done this, Massachusetts, Ohio, California, New York. Let me tell you what New York just said about this provision and this is quoting from New York, "Discrimination against Medicaid recipients has the effect of forcing many patients to remain in hospitals where they do not receive the recreational, motivational, social and other activities that would be available if they were appropriately placed in a residential health-care facility. Moreover, New York State's interest in the efficient use of Medicaid funds is adversely affected by the necessity of keeping Medicaid recipients in higher cost acute-care facilities. Funds that might more usefully be spent provid-

ing elderly citizens with appropriate care in nursing homes are used to pay costs for extended stays in hospitals." Today...just today in the Decatur Herald there's an article, and I hope Senator Rupp and Senator Maitland and Senator Weaver are listening 'cause...this relates to their constituency. In the Decatur Herald, the headline, it says, "Homes refuse to admit paralyzed woman" and I'm just going to read two paragraphs from it. "Rita Cockran probably knows what it's like to be trapped. The Piatt County woman has been paralyzed since a car accident in 1980, trapped in a body that no longer gives her control of movement, but recently she and her husband, Clifford, have been battling another kind of confinement. The nursing homes where the woman once stayed have said they won't take Rita back, forcing her to stay in a hospital that charges ten times the cost of nursing home care. 'I wanted to go back to Piatt County where we live,' Clifford said, 'we paid taxes there for fifteen years and I think our own county people should take care of her.' Currently, Rita is in Mercy Hospital in Urbana. Richard Jones, the family's minister, said she was transferred there from a Savoy nursing home in May 1984 when she became ill. Rita recovered in four days and tried to return to Carl Arbors in Savoy but the nursing home told her the family bed that...told her and the family that the bed was filled. As a result of this situation, the Illinois Department of Public Health and the Illinois Department of Public Aid is looking into the matter. 'This case might force the State to interpret its rule concerning the holding of beds,' said Dan Pitman, a spokesman for the Department of Public Aid. 'Our interpretation is that, yes, any nursing home is required to hold the bed ten days for a resident if its census is below ninety-three percent.' This stay in the hospital has already cost this family...already cost the State...excuse me, already cost the State of Illinois on Medicaid a hundred and

thirty-six thousand dollars...a hundred and thirty-six thousand dollars. It goes up three hundred and fifty dollars a day. If she stayed in a nursing home, it would cost the State thirty-six dollars a day." Ladies and gentlemen, we talk here all the time about cost containment...always talk about cost containment. This bill provides quality care to people across the State, guarantees that they can stay in nursing homes while providing cost containment for the State of Illinois and the taxpayers of the State of Illinois. I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have Senator Donahue, Schaffer and DeAngelis. Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The first part of your bill, Senator Marovitz, we don't have any problem with. It's the second part that we do and I think from all the...speaking that you've just done, if you could produce a bill that would do what you've just said, we'd vote for it, but the point of this bill...no, no, I would totally disagree. There's a word that you...neglected to talk about and one that we're becoming more and more familiar with and that's the word "cost shift." What happens in our nursing homes today is the private pay patients are taking and paying...helping to pay the bill of our Medicare patients because the State doesn't reimburse for the costs. So, what...what you're saying is that if the nursing home cannot control their beds, they're not going to provide these public aid beds, and what you're going to have happen is there are going to be less and less public aid beds for these people to go to, and I think this is a bad bill and I would hope we would defeat it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAPPER:

A couple of questions. Will our Department of Public Aid reimburse a nursing home for that empty bed for those ten days?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

The...the answer is...that's a very good question and the answer is yes, they're doing it today for...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR MAROVITZ:

...that's correct for those...for that time that that...that that Medicaid patient is in the hospital, they get reimbursed...State reimburses them now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAPPER:

Well, I have, as I think all of us have, dealt with people who have been in that situation where they've been in a nursing home and depleted their savings and the nursing home...frankly, the nursing homes in my area with all the regulation we have so cheerfully foisted upon them can't make it on Medicaid and Medicare payment levels. They have to have a certain ratio of private pay so that the private pay people can cross-subsidize the Medicaid and Medicare patients that...because of the costs that we have driven up artificially, but you have an interesting concept here, Senator Marovitz. Perhaps it's one we ought to expand. In essence what you said, if a business takes the senior citizen's money for five years and then they go...the senior citizen then runs out of money that the business should then provide the same services for two-thirds the cost that they previously charged. You put an amendment on that says a law-

yer who does work for a client for five years and that lawyer's client becomes a senior citizen and doesn't have money, that that lawyer is required to do that for two-thirds of what he was charging, I'll vote for the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

END OF REEL

REEL #9

SENATOR DeANGELIS:

Well...thank you, Mr. President. I am real pleased that House Bill 1410 is finally called. For four days I've been trying to get it amended without too much luck. Senator Marovitz, I have a lot of respect for you but you have done some things with this bill that are just absolutely outlandish and more so in your debate. You have mixed metaphors, you have unrelated analogies, and outright distortions. That analogy that you brought about that lady is absolutely not covered in this bill at all. That woman would not be covered with this bill that you have. It's nice to evoke the sympathy of this Body but this bill has nothing to do with it. Now you also stated that other states have these laws. What you failed to tell them is they all have caps. This has one hundred percent of those patients. Now, let me tell you, this bill...should be called, as Darryl Royal would say, the forward pass, three things could happen and two of them are bad. The first bad thing is that no private pay could get in; two, no Medicaid person could get in. Now the good thing is that the person who goes in as a private pay and becomes Medicaid is guaranteed a bed; the other two might not. Now we realize this is a difficult problem, but forcing private pay out of nursing homes or forcing people on Medicaid not to have a bed, I don't believe is a good trade-off. And I really think that you should look at this. I know where this bill is coming from, it's some more of that, you know, puff and stuff; but I got to tell you, it's a bad concept, the consequences are bad, it ought to be voted down.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Marovitz

may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. I'd like to clarify some things. Senator DeAngelis, you made a comment about a...a nice sympathy story. The fact is, and...and I will let you see this article, this lady was out of her home for four days and tried to get back to the nursing home, that is exactly on target what this bill covers and says, that if you're out of your nursing home for less than ten days, you must be allowed to come back. That is exactly what this article is about, exactly what this case is and exactly what this bill does. And for you to stand up and say that, is not accurate, for you to stand up and tell this Body that every other state has a cap, is not accurate. There's no cap in California, there's no cap in Florida. Okay? So let's be honest about it. The fact is, let me read some of the groups that are in support of this legislation, the Illinois Department of Public Aid, Catholic Charities, the Hospital Association, Illinois Homes for the Aging, the Illinois Nurse's Association, the American Association Retarded People, the State Council of Senior Citizens, the Gray Panthers and a dozen other groups that are in favor of this legislation. Senator Schaffer made an analogy about lawyers. There's only one difference in Senator Schaffer's analogy, we're not talking about the place where somebody lives, somebody infirmed lives, this is their home, their last residence and we are saying, kick them out of their last residence. Nobody has to take...Medicaid patients, no home in this State has to take Medicaid patients, that's their choice, they have a...a freedom of choice. They can say we're only going to take private pay patients, that's...that's up to them. All this bill says...is saying is, if you take a private pay patient and she's subsequently because of the...the depletion of her funds has to go on Medicaid, you can't throw her out of her

house. It also says that if she's on Medicaid and she has to go to the hospital for within ten days because she's sick and infirmed and needs more extensive medical treatment, you can't tell her after four days, like happened in this article, you can't come back. Let's be honest about what this bill does and not give me some hyperboles about comparisons with lawyers. These are sick and infirmed people, we're talking about cost containment and taking their homes away from them. Let's see where people stand on that issue. And I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...question is, shall House Bill 1410 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 34, the Nays are 22, 1 voting Present. House Bill 1410 having received the constitutional majority is declared passed. House Bill 1413, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1413.

{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 Criminal Justice Information Authority, removes the two...three judicial members as requested by the Supreme Court, adds the director of the State's...Attorney Appellate Service Commission, increases the public members from three to five. I think it's a good amendment, I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke. Is there discussion? If not, the question is, shall House Bill 1413 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. House Bill 1413 having received the constitutional majority is declared passed. House Bill 1417, Senator Demuzio. Let's go, Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1417.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Let's go, Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, we are all delighted that you are now in a hurry. House Bill 1417 was a bill that came to us from the Comptroller and it would allow for direct deposit of State employee's paychecks. Would give the express authority to the Comptroller to offset payments in favor of locally held funds, clarifies some terminology such as records, and would require a copy of an exemption statement to be filed with the Comptroller with respect to the State employee's holding a contract under the Purchasing Act, allows the Comptroller to name a designee to serve on the Travel Control Board and it would allow the Comptroller to transfer Federal cost reimbursement of monies from a temporary fund to the appropriate fund without direct...without a direct...appropriation. It is...this bill is promoted by the Comptroller and I would appreciate a favorable roll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this bill, we're already doing it for elderly and the Public Aid. Gives the opportunity for a State employee, if

they desire, it's their...it's voluntarily that they can do it. It takes...removes any chance...those few who has mailed getting stolen, most of them delivered in hand, they don't get lost, they don't get held up. It reduces the cost of warrant printing of thirty thousand dollars. I think it's a good bill, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall House Bill 1417 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. House Bill 1417 having received the constitutional majority is declared passed. House Bill 1436, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1436.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. First, I'd like to have Senator Rigney added as a hyphenated sponsor, to have leave.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is there any objection? Hearing no objection, leave is granted.

SENATOR JEROME JOYCE:

All right, thank you. This bill requires businesses to have a written emergency plan. The guidelines for the coordination of this plan are to be established by the Emergency Services and Disaster Agency and if a significant release occurs, the EPA will review how the plan worked and may suggest changes in the plan. An employer...employee edu-

cation plan is also required beginning in October of 1987. The Emergency Services and...Disaster Agency must publish a county-by-county report which includes a list of those businesses which have an emergency plan, if any releases have occurred and what...and enforcement actions have been taken. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1436 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, none voting Present. House Bill 1436 having received the constitutional majority is declared passed. House Bill 1445, Senator Luft. Senator Demuzio is...I mean...Poshard is handling for Senator Luft. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1445.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1445 amends the State Employee's Article of the Illinois Pension Code. There are several parts of this bill as...has been amended. Each part has been debated in committee and on this Floor. I know of no opposition to the bill in its present form and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard has moved the passage of the bill. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. Senator, the Amendment No. 3 that you attached to the bill has a significant financial impact on the pension system and is, in fact, a...a reincarnation of Senate bill...that was passed out of here earlier but died in the House, apparently for lack of support, or at least is being held in the House, and to say there's no opposition to the...to the bill is certainly somewhat of a...an understatement. How much is the unfunded accrued liability increased by means of Amendment No. 3?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. Senator Schuneman, forgive me, I did not know we would debate this again. This amendment did pass out of here by a sizable margin. It was amended back into this bill without any opposition, as I remember, and we can debate it again. I...I think the accrued liability was 30.6 million...if this is...if this is correct, if this is the right one. We had about three or four from economic and fiscal on this. This amendment, and let me state it again, this amendment makes certain Department of Corrections' security employees eligible for the alternative annuity that's already being provided by the State Police, for Central Management Services employees, for Conservation Police and others. And we...we did go over this before, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, okay. Amendment No. 3 seeks to give the same twenty-year eligibility for pensions to prison guards that we have already extended to policemen. And I simply point out the Body one more time that there's a big difference between prison guards and State policemen. And the fiscal impact of this bill and the unfunded accrued liability is something in

HB 1474  
3rd reading

excess of thirty million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Poshard may close.

SENATOR POSHARD:

Well, thank you, Mr. President. I would just call for a favorable vote on the bill. I think it is a good bill and, as I said, all parts have been debated, and I would appreciate for your favorable consideration of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 1445 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all...Senator Savickas. Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 10, none voting Present. House Bill 1445 having received the required constitutional majority is declared passed. 1453. 1474, Senator Newhouse. House bills 3rd reading, House Bill 1474, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1474.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Senators, this bill amends the Public Aid...Code, and what it does is permit people to enter on education programs beyond the current period. Now there are two amendments on this bill. The first amendment was by...Senator Luft which brought the bill into...just a second...which limited the program to...to recipients who are currently enrolled in the undergraduate programs of the

Department of Public Aid. There was a second amendment by Senator Donahue that took care of some Department of Public Aid concerns. So that in its present posture the bill would permit public aid recipients to have...to have access to two-year vocational programs and to college programs. This would permit them to then become skilled enough to go into that job market and stay off the public aid rolls. I would answer any questions; if there are none, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Very quickly, I would hope that members on our side would look at the amendments. The amendments have taken care of our opposition to this and I...it's a good bill and I hope we can support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1474 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 2, none voting Present. House Bill 1474 having received the required constitutional majority is declared passed. 1476, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1476.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1476 is an amendment to the Public Aid Code and says in very short order that it...it will require

the department to pay attorneys or advocates who receive favorable decisions concerning supplemental security income. As you know, this is all subject to Federal reimbursement, so the fact is that the attorneys who successfully obtain money both for the client and the State will receive some money. Massachusetts and New York have been very successful with this program. The State is sharing money recouped only if the claimant does not win, the attorney and the State get nothing. I know of no opposition. The bill was originated from some who provide legal services for the poor and has been supported by the Department of Public Aid. I know of no opposition and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1476 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 3, none voting Present. House Bill 1476 having received the required constitutional majority is declared passed. House Bill 1478, Mr. Secretary. Read the bill.

SECRETARY:

House Bill 1478.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I come with this House Bill 1478, it has been quite controversial, back and forth, and it was passed overwhelmingly in the House. And we changed the original bill and we put on an amendment which became the bill. And the provisions of the Act was to create the Minority and Female Business Enterprise

Act and to amend the Act named therein, approved September the 6th, 1984 as now or hereafter amended and hereby expressly adopted and shall...apply to all purchases, contracts..and then I was asked by one of the members of the Department of Aging to take out "and other obligations" of which I did and they in turn approved this bill. So, it read "contracts or expenditures of...funds by the department. The department shall meet the goal for contract award established by Section 4 of such Act. For purposes of this Act the provision of the Act is to create the Minority Female Business Act...Enterprise Act and to amend and Act named therein, approved September the 6th, 1984 as now or hereafter amended." It is for any non-for-profit corporation a majority of whose board its directors is comprised of minority members. Now this bill was given to me and asked that I would...bring this into the Senate. And it was approved by the Department of Aging to support this bill. I am asking the Assembly if you'd be so kind with questions or whatever is before me that you will consider this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Davidson.

SENATOR DAVIDSON:

Senator Smith,...we already have a Female Minority ten percent Statute. Why this bill...load up the Statute with something that's already law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

If this legislation becomes law, this would allow the Department of Aging and non-for-profit organizations to take

participation immediately, which is needed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, Senator Smith, whoever is giving you the information is not giving you good information because the Act which I passed last year is already in force and it applies to every State agency that exists in the State of Illinois and whoever does business with them. And it's already law. It's not a matter of something that's going to apply immediately, it's already law now. And this bill is redundant and, consequently, I would highly recommend all of us vote No. We...we sent out of here last year the female and minority contract ten percent mandatory for all State agencies by an overwhelming vote, fifty some odd, late last year. It's already law, it's in effect now. This bill obvious with putting the amendment for not-for-profit is aimed at one individual not-for-profit association. What it is, I don't know and I don't want to know. And the Department of Aging is not for this bill, they were neutral. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. First of all, for the edification of some of the members, the synopsis is not correct on this bill, the original language in the bill has been stricken. And simply to second what Senator Davidson said, this bill is redundant in that it would impose the Minority and Female Business Enterprise Act provisions on the Department of Aging when those provisions are already imposed upon the aging...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Chew...pardon me, Senator Schuneman. Senator Chew, for what purpose do you arise?

SENATOR CHEW:

I believe the sponsor wants to take this...this bill out of the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator...Senator Smith.

SENATOR SMITH:

I'll do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Smith...seeks leave of the Body to take it out of the record. Take it out of the record. House Bill 1479, Senator Welch. House bills 3rd reading, House Bill 1479, Mr. Secretary.

SECRETARY:

House Bill 1479.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you. I'd like to point out that the Calendar is only partly correct, the first sentence in the Calendar referring to the amount of individual income is no longer in the bill. What the bill does at this point is require...authorize the Department of Public Aid to...it requires the Department of Public Aid, excuse me, to implement a three-year demonstration Medicare Assistance Project to provide legal assistance to public aid recipients who may be entitled to Medicare. This project will be administered by contract with a legal service entity primarily serving indigent clients. The project cost would initially be two hundred and fifty thousand dollars which is contained in a separate appropriation bill making its way through the General Assembly at this time. The purpose of the bill is to try to ensure that those individuals on public aid entitled

to Medicare benefits but who have been denied will have legal help to help them fight to get back benefits to which they are entitled. What we hope this program will do is...is similar to what happened in Connecticut where they recouped over eighty-two thousand dollars with an initial contract expenditure of thirty-two thousand dollars, meaning the State made fifty thousand dollars on a bill of this particular type, more than one hundred percent. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I hope someone reads the analysis of this bill. What it is is essentially the Legal Assistance...Foundation of Chicago will be...or a group like that will be paid to sue the Federal Government. Now, if someone is denied Medicare...you know, we've got twenty-two Congressmen who've made entire careers making sure people get Federal benefits. We have two United States Senators who've made careers out of making sure people get benefits. We have got a Governor and an Attorney General who have advocates all over their staffs. In fact, unless I'm wrong, the Attorney General has two or three attorneys on his staff. This is part of their function. Besides, you have fifty-nine Senators and a hundred and eighteen State Reps. who will intervene in cases like this. In the City of Chicago you have fifty aldermen who take care of cases like this. In fact, I hear Eddie Vrdolyak would even handle a case like this. What I'm trying to say is, the duplication in terms of, are there people ready, willing and able to attempt to get the Federal Government to pay benefits, it's...it's just...it's almost silly to think about. The Department of Public Aid is mandatorily going to contract with a group in Chicago and I'm just saying, how

many lawyers are on the State payroll today? There are plenty available if we needed that. Now, what we're saying is, we're going to shift them from Medicaid to Medicare. I don't know if anyone has ever noticed but Medicaid comes out of your right pocket and Medicare comes out of your left pocket, but it's the same pair of pants. And...we sometimes wonder why Congress can't balance their budget? I mean, here we are saying, all right let's shift from program to program, the taxpayers are going to pay not only for the benefits we're paying for now, but we're now going to pay for a lawyer who will sue us so we can pay for the benefits we're presently paying for now. This is a heck of an idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Welch.

SENATOR WELCH:

Senator Keats, my hat is off to you; unfortunately, once again, it's a straw hat because you've created another strawman, as you usually do, and then knock him down. What you're saying is that every alderman in the City of Chicago...perhaps you should talk to Savickas, because what you're saying is every alderman should be a lawyer and should give legal advice to every Medicare potential recipient, that's what you're saying. The Congressman can't go into hearings and give legal advice to these people, that's all they'd be doing. That's ridiculous and you know it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAPFER:

Well, I think, frankly, this may be the big government bill of the Session. Basically what this is is to hire our lawyers to sue the Federal Government's lawyers to help poor people. Why is it whenever we want to help somebody we end up giving more money to lawyers? When we want...yeah, I know we have a lobby here, I appreciate that...when we wanted to

help the farmers, what did we do? We sent more money to the lawyers. Now we want to help public aid people, we'll spend more money on lawyers. Why don't we just cut out the middleman and send all the money to the lawyers?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Welch may...Senator Lemke.

SENATOR LEMKE:

I just was asked by the press about the feelings towards lawyers, if we're anti- or pro-lawyer and I said there are certain people that just...envious of lawyers. They'd like to be a lawyer, they should have voted for the bill. But I'm telling you this, if you think lawyers are going to make money on these kind of cases, forget about it. That's why the...the Illinois Legislative Counsel of Chicago or Legal Assistant Foundation are the lawyers going to represent these people. There is no fees here, there's no money here. They're just getting benefits from the Federal Government. I think it's...it's a good bill 'cause normal lawyers are not going to handle these kind of cases. And if you think by anti-lawyer feeling you're going to kill this bill, I think it's silly. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, I'm sure the sponsor of this bill is well aware of the fact that every bar association has a group that's called...it's attached to it, Prairie States in our area, that takes care of indigents. And I don't see the...the necessity to add more lawyers and I'm a lawyer, maybe I'm speaking against my interest, I don't care. But I can tell you right now, we already have the...the people available to help these people so why add another group? I speak against it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Welch may close.

SENATOR WELCH:

Well, briefly to respond to the three opponents, let me just say, Senator...Senator Geo-Karis, we also have legal aid in my county, it's Prairie State, they don't have enough lawyers to handle these cases so they don't do them. The people go without the benefits. Number two, to Senator Schaffer. Senator, I wish life was so easy that we didn't need lawyers as well, but this is the 1980's. Bills that we pass here add to the need for lawyers just as well as the bills that Congress pass. The Social Security Act is so complex and so confusing that you have to have lawyers to implement it. I'm sorry you don't like lawyers, that's life. Senator Keats, you know how it is to get through a...through a sea of bureaucratic red tape. The great swimmer that you are, well recognized throughout Illinois, you know how tough it is to swim in a sea of red tape and I'm surprised that you oppose this bill. However, I think that if you look at the...the purpose and the ultimate realization of money from this bill, if you base it on what happened in Connecticut, we'll get money back. We expect to get back two dollars for every one dollar that we get in. We're always passing off-track betting bills and dog racing bills, here's another chance. This bill is going to bring back more money than we put out. You know, there is an old Biblical quote, I'm sure Senator Smith will correct me, but I think it goes something like, cast your bread upon the water and it will...will return a hundredfold. Well, we're hoping to return two for one here, and I would urge your support for people who are trying to get money back to us, to the State of Illinois, so that we don't have to spend as much for money that we are deserving of. That's all this bill does and I would urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall House Bill 1479 pass. Those of you in favor may cast your vote Aye. Those...opposed Nay. The voting is open. (Machine cut-off)...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 30, the Nays are 29, none voting Present. House Bill 1479 having received the required constitutional majority is declared passed. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

I would like to verify the affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Keats has requested a verification of the affirmative roll. The Secretary will...will read those members who voted the affirmative.

SECRETARY:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats, do you question anyone?

SENATOR KEATS:

Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins on the Floor? Senator Collins is at the back of the Chamber.

SENATOR KEATS:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas on the Floor? Senator Savickas on the Floor? Senator...Senator Savickas on the Floor? Strike his

name.

SENATOR KEATS:

Strike his name...I mean, strike his name, and that's enough.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On that...Senator Keats, are you finished? Have you concluded? All right.

SENATOR KEATS:

Yeah, I'm through.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The...the...on that question, there are 29...all right. Senator...Senator Welch, for what purpose do you arise?

SENATOR WELCH:

I'd move to verify the negative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I...I don't know of anytime in my eleven years we've ever denied an...a member an opportunity to deny a vote on...a verification on his bill whether it was in the affirmative or the negative. Senator Keats.

SENATOR KEATS:

It's dilatory. It takes thirty to pass regardless of the negative. If he...got every one of us off it's irrelevant, so it's dilatory and I would ask that you rule it that way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well.

SENATOR KEATS:

And announce the roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, I...I don't know, in my...in my eleven years I have never denied a member the opportunity to...to verify the roll. I didn't say that, you said that. All right. On that question, there are 29 Ayes and 29 Nays. Do you persist in your...your request? Senator Welch.

SENATOR WELCH:

I'm looking for the rule about...dilatatoriness.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas is on the Floor. I have not announced the roll call. Restore his name. Do you wish to...on that question, there are 30 Ayes, 29 Nays, none voting Present. The roll has been verified, and House Bill 1479 having received the required constitutional majority is declared passed. 1510, Senator Vadalabene. House bills 3rd reading, is House Bill 1510, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1510.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 1510 provides that all hearings involving liquor licenses shall be open to the public. Rather than being tried again, appeals from certain hearings shall be limited to a review of the record if the city council, the board of trustees or the county board adopts a resolution requiring that the records...the review be on record. The bill is supported by the Liquor Control Commission and it passed Local Government by a vote of 11 to nothing, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is, shall House Bill 1510 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 none, 1 voting Present. House Bill 1510 having received

the required constitutional majority is declared passed.  
House Bill 1517, Mr. Secretary, read the bill.

SECRETARY:

House Bill 1517.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, wait...wait...wait...wait...wait. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

A verification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Keats has requested a verification of...of what...the affirmative roll?

SENATOR KEATS:

It's not dilatory. I mean, if you feel this way, it's not dilatory. We can verify every bill, even one like this that's 55 to nothing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR KEATS:

If you want to play with the rules, we can play with your rules. We're in no hurry, you're the guys who need the bills, not us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats has requested a verification of the affirmative votes. Mr. Secretary, call the affirmative roll.

SECRETARY:

Barkhausen, Berman, Bloom, Carroll, Chew, Coffey, Collins, D'Arco, Darrow, Davidson, Dawson, DeAngelis, Degnan, Demuzio, Donahue, Dudycz, Dunn, Etheredge, Pawell, Friedland, Geo-Karis, Hall, Holmberg, Hudson, Jones, Jeremiah Joyce, Jerome Joyce, Karpiel, Kelly, Kustra, Lechowicz, Lemke, Luft, Macdonald, Mahar, Maitland, Marovitz, Nedza, Netsch, Newhouse, Philip, Rigney, Rupp, Sangmeister, Schaffer, Schuneman, Smith, Sommer, Topinka, Vadalabene, Watson, Welch,

Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Keats, do you question any...anyone who voted in the affirmative?

SENATOR KEATS:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen? Senator Barkhausen on the Floor? He's sitting in his seat.

SENATOR KEATS:

Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman's in...in his seat.

SENATOR KEATS:

Senator Bloom.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom is in his seat.

SENATOR KEATS:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Carroll is on the Floor.

SENATOR KEATS:

Senator Chew.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Chew is...Senator Chew here? Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

Point of order, Mr. President. I believe the gentleman has requested a verification and was dilatory when the vote was 55 to nothing. He is proceeding to read the affirmative vote and question every member. I would hope that you would rule him out of order, proceed to the next order of business.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We...we will proceed on this order until we...until we

finish with this and then we're prepared to make a ruling.  
Senator Keats, you may continue.

SENATOR KEATS:

...for Senator Lechowicz's interest, read Rule 23, the second line...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Keats, are you on the verification or a point of personal privilege or what are you on here? Senator Keats.

SENATOR KEATS:

Yeah. Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Coffey is in his seat.

SENATOR KEATS:

Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Collins is in her seat.

SENATOR KEATS:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco on the Floor? Yeah, he's on the Democratic side.

SENATOR KEATS:

Senator Darrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow is on the Floor.

SENATOR KEATS:

Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson is on the Floor.

SENATOR KEATS:

Senator Dawson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

He's on the Floor. All right. On that question, there

are 55 Ayes, no Nays, 1 voting Present. House Bill 1510 on a verified roll call is declared...having received the required...constitutional majority is declared passed. House bills 3rd reading is House Bill 1523, Senator Degnan. House bills on 3rd reading is House Bill 1523. Mr. Secretary, read the bill. Oh, I'm sorry, we skipped 1517, I beg your pardon. House Bill 1517. Nope, she wants it held. 1523, Senator Degnan. House bills 3rd reading is House Bill 1523. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Point of order. I would ask for a parliamentary ruling from the Parliamentarian, Rule 23. In terms of what is dilatory, any...after any roll call vote except for a vote which requires a specific number of...affirmative votes, which has not received the...required votes and before intervening business, it shall be in order for any Senator to request a verification of the results of the roll call. It says affirmative. Now, if the last act of my part was not dilatory or if it was, as you seem to feel it was, and I have to be quite frank, I agreed, I thought Senator Lechowicz's point was a hundred percent correct, read that rule, read your...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Keats, I never said that you were dilatory. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I'm sure the gentleman well knows that advisory opinions are given by the Attorney General or by your private counsel. I'd be happy to hire myself out if you want an opinion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. House bills 3rd reading is House Bill 1523, Mr. Secretary, read the bill.

SECRETARY:

House Bill...1523.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senate...Senate...Senate...

SECRETARY:

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce, what purpose do...you arise?

SENATOR JEREMIAH JOYCE:

I move we adjourn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...Senator Rock. Senator Rock.

SENATOR ROCK:

Well...this is as logical place as any to stop. I have a motion, if the gentleman will withhold that for a moment, just to...a motion in writing to suspend the rules, Rule 5C in particular, to afford those members who have not yet had the courtesy of having their bills heard, they have the courtesy of having them heard tomorrow so that it would effectively extend the deadline for the consideration of House bills until Wednesday, June the 26th; and I would suggest that if that motion is successful, then probably it is a good time to adjourn until nine o'clock tomorrow morning and we can have some more fun.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, we have some housekeeping stuff to do here. Let's take House Bill 1523 out of the record, return it to the Order of 3rd Reading. All right. Messages from the House. Senator...Senator Zito, for what purpose do you arise?

SENATOR ZITO:

Well, now that we've taken Senator Holmberg's bill out of the record, will we, in fact, again begin on that order of business?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes.

SENATOR ZITO:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has concurred with the Senate passage of bills with the following titles, together with House amendments:

Senate Bills 16 with House Amendment 1 and 2.

91 with 2 and 5.

92 with 1 and 2.

114 with 1 and 2.

159, 1.

212 with 1.

224 with 1 and 2.

235 with 3.

259 with 1 and 2.

309 with 1 and 2.

401 with 1 and 2.

413 with 2.

...513 with 1.

518, 1 and 2.

601 with 1.

648 with 1.

651 with 1 and 2.

688 with 1.

693 with 1.

730 with 1.

749 with 2.

786, 1.

791, 1.

796 with 1.  
813 with 1 and 2.  
814 with 1.  
829 with 1.  
830 with 1.  
831 with 1.  
853 with 3.  
856 with 1 and 2.  
861 with 1 and 2.  
862 with 1.  
864 with 1.  
875 with 2.  
891 with 1.  
892 with 1.  
1004 with 1.  
1041 with 1.  
1047 with 1.  
1090 with 1.  
1095 with 1 and 2.  
1102 with 1, 2, and 3.  
1111 with 1 and 2.  
1125 with 1.  
1164 with 1.  
1165 with 1.  
1189 with 1 and 2.  
1224 with 1 and 2.  
1260 with 1.  
1266 with 1 and 2.  
1267 with 1.  
1287 with 1.  
1303 with 1.  
1350 with 1.  
1380 with 1.  
1412 with 2.

1417 with 1.

1430 with 1.

1436 with 1 and 2.

1437 with 1 and 2.

And 1452 with 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Thank you, Mr. President. I think so that everybody can have a pleasant evening and go home and read some more bills I would move that the provisions of Rule 5C be suspended and/or amended to provide that the final day for passage of House bills, in fact, be changed until Wednesday, June 26, 1985, so that we will afford the members the courtesy of allowing them to present their bills tomorrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has...provided a written motion relevant to the suspension of the amendment of Rule 5C so that House bills on 3rd reading can be heard tomorrow, Wednesday, June 26th. You've heard the motion. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. All right. Senator Rock has now moved the adoption of the...of...of the motion. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The motion is adopted. Senator...all right. Message from the Secretary of State.

SECRETARY:

To the Honorable members of the Senate, the 84th General Assembly, I have nominated and appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your Honorable Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive A and A. All right. Any further business to come before the Senate? Senator Rock moves that the Senate stand adjourned until tomorrow morning...June 26, at the hour of nine o'clock. The Senate stands adjourned until tomorrow morning.