

94TH GENERAL ASSEMBLY

REGULAR SESSION

OCTOBER 31, 1985

PRESIDENT:

The hour of eleven having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend Charles P. Mulcrone, Cathedral of the Immaculate Conception, Springfield, Illinois. Father.

REVEREND MULCRONE:

(Prayer given by Reverend Mulcrone)

PRESIDENT:

Thank you, Father. Reading of the Journal.

SECRETARY:

Thursday, October the 17th, 1985.

PRESIDENT:

Senator O'Daniel.

SENATOR O'DANIEL:

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

PRESIDENT:

You've heard the motion as placed by Senator O'Daniel. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, I move that reading and approval of the Journals of Tuesday, October the 29th and Wednesday, October 30th, in the year 1985, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator O'Daniel. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. The Senate will come to order. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 559 and 560 offered by Senator Lemke, and they're congratulatory.

Senate Resolution 561 offered by Senator Smith, Chew, Newhouse, Jones, Collins and Hall, and it's congratulatory.

PRESIDENT:

Consent Calendar. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, Mr. President and members of the Senate, for the purpose of an announcement.

PRESIDENT:

You are in order.

SENATOR VADALABENE:

All right, I have the suggested address for Veteran's Day for 1985 and also the suggested address for the American Education Week of November 17 to November 23rd. Now, these go like...hotcakes and I always have a big crowd coming over to my desk, so this time I'm going to have the Pages deliver them to each Senator so that we can avoid this congestion here.

PRESIDENT:

I think that's a...very good suggestion, Senator. If I can have your attention, while we're...waiting for the other members to assemble, Senator Lemke has with him and brought to us a very honored guest, and it's my pleasure to introduce to you Mr. Po-Lun Liu, who is the director of the Chicago office of the Coordination Council for North American Affairs for the Republic of China. I've had the pleasure of meeting Mr. Liu who was born on the Chinese mainland and moved to Taiwan in 1950. Mr. Lui and his family now live here in Illinois. He has had extensive diplomatic experience. He's been in Chicago for almost three years representing the people and the government of the Republic of China in the

midwest and his friends and the Chinese population see him as the Chinese General of Taipei. Ladies and gentlemen, please welcome our honored guest, Mr. Po-Lun Liu.

MR. PO-LUN LIU:

(Remarks made by Mr. Po-Lun Liu)

PRESIDENT:

Thank you, very much, Mr. Liu, we are indeed honored with your presence. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Director Liu, we appreciate your coming with us today and sharing with the other colleagues in the Senate who had not had the good fortune that myself and Senator Jones and four members of the House just had and other members of the Senate have had in the past of enjoying your hospitality and seeing your country firsthand. Director Liu had had Senator Jones and I and members of the House invited this past August to view the wonders that the Government of China and Taiwan has accomplished in taking what was very backward area and turning it into the type of thriving community that we would be proud to have here in Illinois, and let me just say on a very personal note that while we were there, the hospitality that we enjoyed from just the average citizen of their country was something that we should strive for here. Every person we met on the streets of Taipei or throughout their nation extended to us the kind of personal courtesy and interest in the United States Government and in our trade relations with them, the type of things that we would wish our schools would teach our own children here. We had experiences where a clerk in the store would ask us what we in Illinois could sell to the Republic of China to help eliminate the balance of trade deficit. They, as individual citizens, were as concerned as their foreign ministry that the relationships stay long and strong and that the ties be

their forever. We appreciate that ability to see it firsthand and we thank you for coming here again today to share with the rest of our colleagues that which they could not have enjoyed firsthand. Thank you.

PRESIDENT:

With leave of the Body, we'll begin on page 2 of the Calendar. The sponsors of the Constitutional Amendments have indicated they wish to proceed. So, we will begin with Constitutional Amendment, 3rd reading, Senate Joint Resolution 4. Mr. Secretary, read the resolution, please.

SECRETARY:

Senate Joint Resolution 4 Constitutional Amendment.

(Secretary reads SJR 4 CA)

3rd reading of Senate Joint Resolution 4 Constitutional Amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This Constitutional Amendment if approved by the House and then the voters in the election would provide that all future superintendents of education in Illinois be confirmed by the Senate. It's just our...passed the Executive Committee 12 to nothing and it's the feeling of many that public education involves more people and...and extreme amount of dollars in Illinois and it...it...it should be on an equal footing with other code departments that are appointed, and I'd urge your favorable consideration of this important issue. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Joint Resolution 4 be passed and approved. 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

*SJR. 22 C.A.
3rd Reading*

voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Joint Resolution 4 having received the...the required three-fifths constitutional majority is declared passed and approved. Senate Joint Resolution 22, Mr. Secretary.

SECRETARY:

Senate Joint Resolution No. 22 Constitutional Amendment.

(Secretary reads SJR 22 CA)

3rd reading, Senate Joint Resolution 22 Constitutional Amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, before I explain this and ask for your vote, I do need to ask leave...there's been two other fellow Senators that have asked to join as hyphenated cosponsors, and I'd like leave to add their names at this time and any other Senators who would like to do this, please identify yourselves to the Secretary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, if you'll just inform the Secretary. Leave was granted yesterday to add all of those...

SENATOR DAVIDSON:

Okay. All right,...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Then you need to add Senator Chew and Senator Vadalabene, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there leave to...leave to add those? Leave is granted.

SENATOR DAVIDSON:

Mr...Mr. President and members of the Senate, this is a very straightforward Constitutional Amendment. Many of you have been contacted by the public, I'm sure as I have, and a number of judges have said our hands have been tied as far as denying bail on some individual who is awaiting trial or awaiting sentencing after a conviction of felony and they're out and either intimidate witnesses or create or do another felony offense, and this adds to the Constitution that on felony offenses for which a sentence of imprisonment without conditional revokable releases shall be imposed by the law as a consequence conviction when the court...when the court, after a hearing determines the release of the offender would pose a real and present threat to the physical safety of any person. This would allow a judge to deny bail to that drug pusher and all the other people who are creating other...other interest...other items and would give the judge, after a hearing, and the state's attorney, the prosecuting attorney has made their case, it will give the State courts the opportunity of what the Federal courts have to do which they do not have now. This is someone whose time has arrived. I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? There is a...Rosario, who is an exchange student from Brazil requested leave to take still pictures from the gallery, I assume. Is leave granted? Leave is granted. Discussion on the...on...Senate Joint Resolution 22? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, I have two questions of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator Davidson, is residential burglary included in this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Residential burglary is...is a felony offense and if a person has been arrested for that or is awaiting a sentencing after conviction, then it would be included.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, how about the...the bill we passed yesterday where prostitution after the third offense is a felony, would that be included in it also?

PRESIDING OFFICER: (SENATOR DEMUZIO)

I don't think the gentleman heard the question, Senator DeAngelis.

SENATOR DeANGELIS:

Let me take my chew out of my mouth. Yesterday we passed a bill where we would upgrade the crime of prostitution to a felony if it were a repeat offense. Would they fall under this also...prostitutes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

If it's a felony, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock. All right, Senator Sangmeister.

SENATOR SANGMEISTER:

Certainly would defer to the President. As a cosponsor, obviously, I endorse this concept. As Senator Davidson has indicated, again, we are responding to requests from the constituents we represent and the people in the communities that are concerned about judges that tell them that they cannot do anything with serious offenses and serious crimes because the

Constitution does not allow them to deny bail. There will be those who are going to speak, I presume, that are going to make you think that judges are going to jail everybody that commits a crime until their trial. That's not the intent or the purpose of this Constitutional Amendment. All we are...the present law is, of course, only capital offenses and offenses for which a sentence of life imprisonment may be imposed. Basically, we are expanding that to cover now Class X felonies and it will have to be after there is a hearing held by a judge. This is nothing automatic at all. There will be a hearing held, evidence presented and only then where the offender would pose a real and present threat to the physical safety of any person should that bail be denied. I think this is a reasonable approach. Senator DeAngelis just asked a couple of questions without making any comments. The comments are, of course, that this covers more than Class X felonies, it covers the nonprobational offenses and, of course, residential burglary does happen to be one of those. I'm not that comfortable with that being there either, but as we've discussed over the years here, the whole question of residential burglary may have to be readdressed, but it does cover it, we should know that, and any Class 2 felony where the person has been...convicted of a Class 2 felony or greater within the preceding ten years would be covered under this. But, again, the point that I want to emphasize is that this is just giving the judges a little more authority. This is not saying to the judiciary, you lock everybody up that commits a Class X felony until he proves his innocence and I want to make that clear. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, we've had too many occasions of people who are

released on bond...committing other felonies. In answer to the prostitution question, to begin with, this Constitutional Amendment relates to excepting...in other words, not having it as a...aailable offense...offenses...felony offenses which involve personal injury or the threat of personal injury. So, I don't know whether you consider prostitution that kind of an offense. I think that's more of a pleasurable offense, not a felonious offense of damage to the person...personal injury to the person or threat of it. We have had so many repeaters who are out on bond and the judges are helpless because they still have to put them out on bond even though they commit another felony. I think it's time that we protect the rights of the public and stop worrying about the people who are going to be felonious whether we like it or not and it...and it's high time that we looked after the citizens property of...shall we say, of injury. We cannot afford to keep our citizens...on the...constantly in the limelight to be injured by these repeaters of felonies and I certainly speak in favor of this Constitutional Amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. As I understand it, Doc Davidson, you were the sponsor of the residential burglary law that passed this Body and the House, originally, weren't you?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Can we have some order, please. The gentleman cannot hear the question being...answered.

SENATOR D'ARCO:

You were the sponsor of the residential burglary law that passed this Chamber originally, weren't you?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Yes, I was.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

So, under this provision, if it passes that law then would be applicable to this provision so a person who is accused of committing a residential burglary and who makes an off the cuff remark about somebody that has accused them of committing that burglary can be denied bail by a judge of the State of Illinois. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Only after a hearing in court and the prosecuting attorney has been able to prove that this person would be a danger or threat to that individual. He has...the case has to be made and the judge would have that opportunity to make that decision, that's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, let's pretend you're a judge and I say, that SOB accused me of burglarizing his garage or stealing his bicycle off his lawn, you know, I'm going to get that son of a gun for accusing me of that crime. Would you say that's enough of a potential threat to that person's physical safety to deny him bail?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Senator D'Arco, that example won't work because if you steal it off the lawn or you take it out of their garage,

it's not residential burglary. Neither one of those are inside the residence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, that's not true, because the court cases have said that if you take a bike out of a person's garage or any item out of that garage, it's a part of his abode and it is residential burglary. So...and the argument can even be made that if you take something off his lawn, it's residential burglary because it's part of his private property attached to his home. But that's not the issue here. The issue here is, what are we going to do with all the people that are in jail today? We don't have enough room for all these people anyway and you can't legislate crime away like some magic wand that you would put in front of everybody and just hope that it goes away. It's not going to work that way and you have the potential in this bill to hurt some young, first offenders who never committed a crime before because some judge wakes up one morning and has a bad cup of coffee in the morning and decides that this individual should go to jail and not allow him to be bailed out on bond, that's an atrocity that you are in the process of helping some irate judge commit by passing this amendment; and I'm for law and order like everybody else in this State, and I believe in the death penalty. I believe that if you commit a heinous crime, you should be given the death penalty in this State, and I believe that capital offenders should be sentenced to life imprisonment and should be nonbailable offenders, that's without question, but don't hurt the guy on the low end of the totem pole. Don't hurt that first offender that has a chance of doing something with his life and making a fine, decent citizen out of himself because he commits one crime; 'cause we were all young once too, don't forget that and we

were a little crazy in our youth, and in our old age too, you're right. So, don't do this to...to everybody, Doc, it's not right and it's not fair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Since the proposition before us requires only thirty-six votes and since I see listed thirty-five cosponsors, I'm not sure we're going to change anybody's mind here. This is unabashedly law and order, but the fact is as Senators...other Senators have pointed out, this amounts to preventive detention. This amounts to the imposition, in my judgment, of virtually a police state and will result, in my judgment, particularly in the county that I represent, in overcrowding of the jails to the point where you're not only going to experience the difficulty that all the county jails now have, that they are not up to Department of Corrections and Federal standard, we're just going to have more people in the slammer than ever before. And why? We, two years ago, changed the Constitution with respect to the bail article to provide for the judges of this State more discretion, if you will, more authority to truly incarcerate people that they were afraid either would flee the jurisdiction or had been previously convicted of a...of a serious offense. This goes much, much, much too far. I suggest that this one ought to be rethought and I hope, for once, that the House will have better sense than to present this to the voters as somehow a solution to crime in Illinois. This is not a good idea and I am sure that I will be along with Senator D'Arco and that's probably it the only voice in the wilderness. This is not a good idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Davidson may close.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I think those who oppose this are forgetting to explain to you that this isn't anything automatic, as Senator Sangmeister said. This is only...only applies after a hearing before the judge, only if the prosecuting attorney is making that request; and to say some first time offender...first time arrested individual on a felony is going to be denied bail unless they've had extreme bad acting record or is certainly indicate they're going to harm someone, I don't see any reasonable judge denying bail. That is a smoke screen, ladies and gentlemen. Now, if you're saying this is wrong...Mr. President, could I have a little...little...quite...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...Senator...

SENATOR DAVIDSON:

...this is a very important thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Davidson, it's all from your side of the aisle. If we could break up the caucuses and...

SENATOR DAVIDSON:

This...this...Constitutional Amendment is only being asked to give the people of Illinois an opportunity to express themselves if they believe bond should be denied to someone who has been either arrested or convicted on a felony, that they not be bondable and be out where they could do more harm or commit another felony offense while they are either awaiting trial or awaiting sentencing. This is an opportunity which the people in my area have said, hey, enough is enough; we want those individuals who could be a harm to us and our neighbors not to be able to be out on bond or bail if the judge thinks he's going to be a harmful...individual. The judges have said they need some other tool, at least the judges from this area have. This gives

them an opportunity if the majority of the people of Illinois think it's a good idea to have that tool. It's very straightforward, very simple. Those of you who have had an opportunity, as I'm sure you have, of have an offense been done against you or your...members of your family by an individual who's been out on bond while awaiting trial for a felony offense, this is an opportunity for your family and your neighbors to be protected. It's a very straightforward, simple thing and we all say we believe in the judgment of the voting public. All we're asking for is an opportunity for this to be on the ballot November 4th, 1986, to let the people of Illinois render their judgment whether it's a good or bad idea. I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Joint Resolution 22 be passed and approved. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open...have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 6, 4 voting Present. Senate Joint Resolution 22 having received the required three-fifths constitutional majority is declared passed and approved. Going right on down the page, page 2, Senate Resolution 533, Senator Collins. Page 2, Senate Resolution 533, Mr. Secretary. Senator...Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Resolution 533 simply is an attempt to call upon the...the...the Department of Alcohol and Drug Abuse to create a consortium among the universities and colleges of this State to assist the department in coming up with a comprehensive research and program design for the treatment of preventive drug and alcohol abuse programs in the State of Illinois. There most certainly is a very urgent, critical

need to do this and the resolution is introduced...there's no money involved...with this whole process. We...we ought to be about the business of utilizing our own resources and talents of our universities more and that's what this resolution simply does, it just calls upon that department to create a consortium to do the necessary work to come up with a program and then, maybe, we wouldn't have the bad audits that we...that you saw the other day, and...and what this hearing is supposed to have been about to the...the...the Intergovernment Cooperation Committee. Because we do not have a consistent design within the State of Illinois to address the issue of alcohol and drug abuse treatment and because many of the drug treatment programs are fairly new and very little information is really known, conflicting information, about what is a more effective treatment,...for the treatment of certain types of addictions in this State. We felt that it was necessary for the State of Illinois to utilize its vast resources to do so, and I would ask for a favorable adoption.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right, discussion? Senator Schaffer.

SENATOR SCHAPPER:

Well, it seems to me that the files of this department are filled with studies and projects of this type. Who wants this resolution and where did the idea come from and explain to us again how it's not going to cost anything?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Collins.

SENATOR COLLINS:

I personally took it upon myself this...starting when I got out of Session in June, as you know, I am a full-time legislator, to begin to look at the...the overall problems and to review some of the treatment programs in this State of alcohol and drug abuse and to find them, and as you know, as

chairman...as I served under you as chairman of the subcommittee on alcohol and drug abuse, I have done a lot of work in this area and to find that our programs in the State do very little other than detoxification and minor treatment for alcohol but not...into the other types of drugs which is probably more prevalent among young people today, like heroine and cocaine; and so after doing a literature search, there are not too much in the whole country that...that can be validated as an effective tool by which to deal with these programs...I mean, these victims and their families, and so, I went to the universities myself, Chicago State, Governor State assigned a full-time intern to me to work with this project. I've met with the University of Illinois, Circle Campus and Chicago State, and then I met with the Department of Alcohol and Drug Abuse director, Senator Duffy. He thought it was a good idea, except in the fact that we would most certainly have to have the support and approval from the Governor's Office. I contacted the Governor's Office, of course, they didn't seem to have any problems with it and so, therefore, I...and I contacted Senator Rock, and so I decided to move forward. I will do it whether you pass the resolution or not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not,...since Senate Resolution 533 requires an expenditure of funds, there will be necessitated a roll call vote. The question is, shall Senate Resolution 533 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Resolution 533 having received the required constitutional majority is declared passed...is adopted. Senate Resolution 551, Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. We addressed this issue yesterday in regard to Senate Bill 1136 and this the one...concerning salvage business in Illinois, and what we're trying to do with this resolution is establish a committee to study the provisions of Public Act 83-1473 relating to the salvage vehicles and parts problems we have in Illinois. I checked with the minority spokesman, Cal Schuneman and the chairman, Sangmeister, concerning this...getting out of committee and they had no problem with it. Our staff has some concerns about it, but I know of no objections and at this time, I would like to have this resolution passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Public Act 83-1473, you will recall, is House Bill 2211, affectionately know as the chop shop legislation. That legislation placed Illinois in the forefront in the fight against organized crime's chop shop activities. I would suggest that we consider this and might take it out of the record for a moment. I'm not sure how it got out of committee yesterday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...Senator Watson.

SENATOR WATSON:

Do you have a problem with this? Do you have a problem with this resolution at this time?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Yes, I do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, thank you. I was under the impression that this

was agreed, and at this time, I'll take it out of the record and we'll talk about it...okay, thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, take it out of the record. Senate Resolution 533, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it's Senate Resolution 553 and...

PRESIDING OFFICER: (SENATOR DEMUZIO)

553.

SENATOR GEO-KARIS:

...and what it does is says it declares the members of the Senate to support local efforts toward reducing pornography in communities and support educational efforts toward ultimately raising contemporary community standards. It's a resolution that's been asked for by many parents, very concerned parents and I cleared it with Senator Sangmeister, with Senator Rock and with Senator Schuneman, the minority spokesman, and I ask for a favorable consideration. There's no expenditure of funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rock.

SENATOR ROCK:

This one, I think, we can all be cosponsors of. It puts us on record as against pornography.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the...Senator Geo-Karis has moved the adoption of Senate Resolution 553. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Resolution 553 is adopted. Top of page 3, Senate Resolution 554, Senator Lemke.

SENATOR LENKE:

This is a resolution that we will be sending to the Parole Board to support the nonparole of Mr. Crump who killed

and assassinated a security guard at the...at the...in the old stockyards, who was also a family acquaintance of my father, they worked together as policemen in the stockyard area. I don't think that when he was commuted from the death sentence, he was...he was commuted on the basis that he would serve life in prison and not be paroled. I think we as a State should support that position and make it known as we did on the Herrins matter, and I ask for a favorable adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? If not, Senator Lemke has moved the adoption of Senate Resolution 554. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Resolution 554 is adopted. Senate Joint Resolution 94. Senator D'Arco on the Floor? Senate Joint Resolution 94, Senator D'Arco.

SENATOR D'ARCO:

...Mr. President, all this does is says to the Department of Energy and Natural Resources that they will monitor the new twelve percent low-income energy assistance program that we passed out of this Chamber in order to determine what the arrearages might be and make a...a study and a statistical analysis of the program in order for our perusal so we can after the sunset provision terminates decide whether this is a worthwhile program and we should continue on with it or not, and I would ask for the adoption of Senate Joint Resolution 94.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall...Senator D'Arco has moved the adoption of Senate Joint Resolution 94. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 94 is adopted...Senate Joint Resolution 94. Senate Joint Resolution 97, Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 97 would...ask that the Human Resources Department in the...which exists already in the...in the Secretary of State's Office conduct a study of the abuse of the handicapped parking spaces in Illinois. Urge your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Friedland has moved the adoption of Senate Joint Resolution 97. Senator D'Arco.

SENATOR D'ARCO:

No, no, I...not on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Friedland has moved the...moved the adoption of Senate Joint Resolution 99...97...Senate Joint Resolution 97. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 97 is adopted. Senate...Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

On Joint Senate Resolution 94, I would ask permission to have Senator Netsch listed as the hyphenated cosponsor because she was a hyphenated cosponsor of the original bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, is there leave to add Senator Netsch? Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Leave is granted. Senate Joint Resolution 100, Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. The purpose of the Senate Resolution...Joint Resolution 100 is to support an increased national and international awareness and recognition of the vast resources of the Mississippi River Valley. As chairman of the Mississippi River Parkway

Advisory Council, I need your support in order to augment the National Mississippi River Parkway Commission's efforts to inform community leaders, interest groups and others who are interested and vitally concerned with the economic development of their communities. The primary goal is to ensure congressional support for a national corridor, and the secondary goal is to prepare an economic development strategy for the Great River Road and to augment the Governor's program to ensure Build Illinois. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Vadalabene has moved the adoption of Senate Joint Resolution 100. No discussion? Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 100 is adopted. (Machine cut-off)...page 3, Conference Committee reports is House Bill 510, Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill speaks only to the early retirement option of the State University Retirement System. Right now, under the present law, a participant retiring before June 30th, 1987, may elect at the time of retirement to make a one-time employee contribution to the system and thereby avoid the early retirement reduction and the retirement annuity, and this bill simply extends the present law which was slated to end June 30th, 1987, another five years, to September 1, 1992. Would ask for your favorable support of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 510. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are

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none, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 510 and the...and the bill having received the required constitutional majority is declared passed. Page 4, 847, Senator Weaver. Senate Bill 847 on Conference Committee reports. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the second Conference Committee report on 847. The Senate turned down the first Conference Committee report because of an amendment in the House that would allow county correctional facilities to be built through the IDFA and increases the county tax to finance these. The second Conference Committee report omits that. It's back to the basic form that we sent out of here 59 to nothing back in June, and if there are any questions, I'll be happy to try to answer them; otherwise, I would move that we do adopt the second Conference Committee report on Senate Bill 847.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall the Senate adopt the second Conference Committee report on Senate Bill 847. 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. The Senate does adopt the second Conference Committee...report on Senate Bill 847 and the bill having received the required constitutional majority is declared passed. Senate Bill 1452, Senator...Senator Joyce on the Floor? Let's turn to page 6 on your regular Calendar,...(machine cutoff)...override specific recommendations for change, House Bill 53. Senator Marovitz on the Floor? Senator Marovitz on the Floor? House Bill 53. House Bill 53, Senator Marovitz. Page 6. All right,...all right, let's take that out of the record. Page 6, motions in writing

override total vetoes, House Bill 124, Senator Lenke...House Bill 341, Senator Rock. All right, House Bill 341, bottom of page 6. Senator Rock.

SECRETARY:

I move that House Bill 341 Do Pass, the veto of the Governor to the contrary notwithstanding. Signed, Senators Rock and Netsch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 341 is an amendment to the Revenue Act and what we attempted to do was to include certain life-care facilities in...in those who would be eligible for both the homestead and senior citizen homestead exemption. The Governor questioned, really, the constitutionality of this provision, but the fact is that this is currently being done in the County of Cook and what we are attempting to do is to have equity and parity Statewide with respect to the life-care facilities. I think the discussion went a little awry yesterday and so we have refiled the motion and I will be delighted to yield to my cosponsors, one of whom is Senator Netsch and the other of whom is Senator Philip...so, I will yield to Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President and Mr. President. Just very briefly, I think as it was explained and perhaps the message did not get through with absolute clarity yesterday, what this does is to put a particular group of senior citizens in the same posture as others who are in like circumstances. These are people who have probably sold their home, put all of their assets together, purchased these life-care facilities and, therefore, should be given the benefit of the senior citizen and general homestead exemption as others are,

and I would like to make it clear that...I...I think there was a point of confusion based on Senator Etheredge's comment yesterday. These people pursuant to their contract with the life-care facility are, in fact, liable for and responsible for the property tax. It is absolutely clear in the bill that the exemption, the...the credit for the exemption must be passed back through to those very people who are eligible for it, so they will, in fact, individually realize the benefit of the senior citizen exemption and the general homestead exemption, and that is as clear as it could be in the bill. With that, I would seek your support also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 341 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, none voting Present. House Bill 341 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. 1568, Senator Lemke. House Bill 1568, Mr. Secretary.

END OF REEL

11/23/84
Vote of the Governor

REEL #2

ACTING SECRETARY: (MR. FERNANDES)

I move that House Bill 1568 Do Pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Enterprise Zone Act to redefine the qualifications as an area must meet to be granted enterprise zone status, provides that when considering unemployment criteria DCCA shall consider persons who are not employed and have exhausted their unemployment benefits as unemployed. What...these workers are listed in U. S. statistics, Department of Labor as discouraged workers and they're considered as part of the employment records. I think this is a good bill and I think we should not just consider those people that are collecting unemployment but those people have what we call discouraged workers and have been off for a long time, they have not collected unemployment. I think it's...I ask for a favorable override of the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1568 pass, the veto to...of the Governor to the contrary notwithstanding. 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 47, the Nays are 10, none voting Present. House Bill 1568 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill

2384, Senator Luft. House Bill 2384, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd like to begin by telling you that this is not a bill that was conceived by Representative...Steczo or Senator Luft. In fact, it was a bill or a 1983 Governor's Business Advisory Committee report entitled "Building a Vital Economy" and this was one of the major suggestions that came out of that report. House Bill 2384 addresses that committee's report and recommends by changing the combined apportionment formula to double weight the sales factor in the formula used to compute Illinois Income Taxes from multistate, national and international corporations doing business...in Illinois. We feel or else many corporations in this State feel that the present formula serves as a disincentive to corporations based in Illinois. And as a matter of fact, the Governor indicates...the Governor indicates in his Veto Message that taxpayers with headquarters or manufacturing operations in Illinois will benefit. Also in the...Veto Message the Department of Revenue projects a loss of twenty-two million dollars to the State of Illinois. Yet, in Massachusetts the experience there shows that there has been an increase in revenues of forty million dollars. The Governor objects to this bill because he feels it is contrary to uniformity among states; yet, many of the states have adopted provisions similar to those in this bill and they're classified as desirable economic climates. We feel this bill is an effective way to provide Illinois corporations with a desirable climate and I'd appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I was one of the actually not such a small band to oppose the bill when it first went through and I oppose it as least as strongly if not more

strongly now. And so I would hope that we sustain the Governor's veto of House Bill 2384. First of all, I would like to make the point that there is not one shred of evidence that...that this bill would have the effect of either bringing in or retaining any business. It is simply not an economic development bill and one reason why is that there are as we...there always are when we start playing with the Tax Code, there are winners and losers. And while it is true that some of the Illinois based large corporations would love to have this bill because it would significantly decrease their State corporate tax liability, it is also true that there are other large employers who are important to the economy of this State who oppose the bill because it would either not help them or because they think it is a bad idea to start playing games with the Tax Code every time someone gets the idea. For example, some of the firms that oppose House Bill 2384 are Monsanto, Ford Motor Company, PPG, Reynolds Industries, Burlington Northern, General Motors, which is, as I recall, the...approximately twelfth largest employer in the State of Illinois; TRW, Rockwell, Chrysler Corporation, I repeat, Chrysler Corporation; Emerson Electric, Dana Corporation, Union...Union Electric, IBM, U.S. Steel, General Mills, General Electric and so forth. So, the...the point is that we accomplish nothing because we make a few companies that are...that are in the State happy and we make a number of them extremely unhappy. And I would repeat with very strong terms a point that was made on behalf of several of the large employers in this State who are among those who oppose the bill that one of the things that we have got to have is stability in the Tax Code. Most of the breaks that you try to give us are not that meaningful to large numbers of employers, but what does drive them off the wall after a while is the fact that we change the Tax Code every time one or two employers gets an idea about some way in which it or

they might be benefited. I believe it was Ford which wrote a letter to us earlier and said...reminded us, really, that we have changed the corporate apportionment formula ten times in the last eleven or twelve years. There is no way that the...the multistate companies can live with that kind of an arrangement. Stability is absolutely as critical to them as a relatively minor tax break and it is minor when you spread it around to all of them. I would also like to point out that there are a hundred and thirty-five thousand companies who file corporate tax returns in the State of Illinois, a hundred and twelve thousand or eighty-two percent of them have one hundred percent of their property, payroll and sales in the State of Illinois. Over eighty-two percent of the companies that are doing business in this State would be helped not one wit by this bill. It is a very small number of companies that are going to...realize any benefit at all. And in the long-run it is very possible that those who do all of their business, who have their property, payroll and sales in this State may end up actually being hurt; because if we keep chipping away at the corporate revenue base, ultimately we are going to have to raise the Corporate Income Tax to make up that kind of loss. And if it's made up, it's going to be made up on the backs of the hundred and thirty-five thousand who are totally located in the State of Illinois. Finally, let me make one other point, and there are many, many that could be made against this, or let me make really two other points. One is that the bill is going to cost the State about twenty-two million dollars. After it was originally passed in June, the Department of Revenue and others went back and went through their corporate returns to find out what kind of revenue impact it would have; and I think most of you have received a letter from the State Department of Revenue pointing out that this will result in a loss of twenty-two million dollars at a time when I think we really

should not be doing that in light of some other actions that we have taken. One last point, it is not going to get us any business from other states. Sure, there are a couple of states who have already started changing their apportionment formula. Most of those...for most of those it is an optional change and so it doesn't really have the impact that you think it does. For some others, like Iowa which uses sales only, they haven't been able to attract a single business as a result of that. The only thing that it is going to attract is retaliation and if you had gone...have been going to interstate meetings of fiscal chairmen as I have, you will know that this is the case. All of them have said, we are starting to feed on one another; we are absolutely out of our minds if we start changing the formula, the corporate tax formula every time someone comes in and asks us to make an accommodation. It will buy us nothing but revenue loss, instability and a bad business name. I urge a sustaining of the veto.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, we have a lot of lights on, so we will now put the clock into effect. Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll try and be briefer than some of the other speakers in my remarks in support of this. Essentially...essentially, the instability argument is really not...really not particularly accurate because there are always adjustments made to our Tax Code, but let me respond to the argument about the...those companies that are not Illinois based. I asked the representative of a Michigan based company, I showed him...many of you have this chart and a picture is, indeed, larger...more...says more than a thousand words. Right an island in the middle of states that give preferential tax treatment is the State of Illinois.

And I asked the representative of a Michigan based company, I said, would you change this, because I note that you have unique laws designed to benefit your based company? Would you change that to make that wide, what have you done? Well, that's different, Senator. As a matter of fact,...as a matter of fact, the twenty-two million dollar figure that has been thrown about so loosely is a guesstimate. And the fact that there is a sense of preferential...tax...tax treatment for certain taxpayers, well, for heaven's sake, that's what we're doing for Chrysler...that's what we did for Chrysler and Mitsubishi. And as a matter of fact, it levels the playing field between the states. So I would suggest to you that indeed this picture is worth a thousand words and I would suggest to you that on this issue, although the Department of Revenue won with the Governor's Office, that the Department of Commerce and Community Affairs has given the exact opposite analysis of those who speak against it. And I would suggest that on this one perhaps we go with the Department of Commerce and Community Affairs. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in opposition to this override. And that's true, pictures do tell more than words but all the details of the picture is not there. They forget to tell you, now this isn't an optional thing, is not optional. In Missouri, which you talk about, the weighting is optional. In Minnesota it's optional. In Iowa, it's weighted on the sales, it's never attached to the business. Indiana has a gross receipt tax and it's not really an income tax. Then you talk about Michigan, the great state of Michigan, who made the changes to remove the peaks and valleys, so they said. But if it's such a great thing, please explain to me why the Alexander Grant

Company which does the rating of all states on every number of factors has Michigan rated last, last on being a good state for business. Now I happen to be sponsor of the unitary tax law which is now on the books at the request of Caterpillar and John Deere, and it was a good law then and I still think it's a good law. This is not a good idea. If it was such a good idea, please tell me why two-thirds of these United States do not have it. There's only fifteen states that have some kind of a weighting factor but most of them are optional and some of them are not a weighting factor, as Indiana, it's on gross receipts; Iowa, it's on sales. Ladies and gentlemen, those of you who are from the suburban area and who heard yesterday saying Abbott was for this...override, let me add to you one. Senator Netsch read off Monsanto, you now know who owns one of the largest employers in the northeastern Illinois area, G. W. Searle, Monsanto. You know who the fifth largest employer in the State of Illinois is, there are not twelfth, they're fifth, General Motors is the fifth largest employer. Their electro motor plant in LaGrange in area is one of the greatest installations in the world.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson, can you bring your remarks to a close, please.

SENATOR DAVIDSON:

Thank you. This is not a good idea, I would urge everyone to vote No on this override.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I'm sorry I have to disagree with the prior speaker. But we've got to keep in mind that we have to take care of the companies who have their bases in...in Illinois a little more than

we do the outside companies who come in and make money off of Illinois. All this bill does is says that it would...equally treat sales within Illinois, the override, that is, for the bill. The bill says it will treat sales within Illinois as the primary income tax factor rather than payroll and property. Thus, it would provide an incentive to companies to expand properties and payrolls in Illinois. Now, one of our prior speakers read about the companies that are in favor of the...the bill against the override. Let me read you the names of the companies that are in favor of the override, Abbott Laboratory, hiring seven, eight thousand people; AT & T, Beatrice Foods, Bell and Howell Company, Brunswick Corporation, Borg Warner Corporation, the Seiko...Corporation, CBI Industries, Deere and Company, Sara Lee Corporation, Caterpillar Tractor Company, DeSoto, Inc.; General Mills, Gould, Inc.; Interlake, Inc.; International Mineral and Chemical Corporation, Joselyn Manufacture and Supply Company, McDonald's Corporation, Morton...Inc., Motorola Inc., Quaker Oats, G. D. Searle and Company, Standard Oil of Indiana, Square D Company, A. E. Staley Manufacturing Company, Walgreen Company, Montgomery Ward and Company, Zenith Radio Corporation. Now, I don't think that we could ignore all of those companies in spite of what General Motors says or does. General Motors stuck it to us in the eye and went and put the Saturn Plant in Tennessee and didn't bother doing anything for us in spite of the fact that we did all we could to bring it here. So I have no sympathy for General Motors, I speak in favor of the override. I think we should protect the companies who...stay here and have their payrolls and expand their...their plants here and let's help them be more competitive.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I don't usually rise on...on tax matters, I don't consider myself the consummate expert but I think this is pretty clear. We...I stand here and...and have sit here listen to people talk about the business climate in Illinois and admittedly that isn't my first priority and hasn't been, but I'll tell you something, I can't understand how anybody can talk about a probusiness climate in Illinois and vote against this attempt to override. I am strongly in favor of this attempt to override. I admit that I made a mistake and I think several other members at least on my side of the aisle made a mistake in voting No the first time this bill came up. That's because I didn't have the wisdom of an explanation from some of the people in the business industry. They've since explained this to me and I think when we give preference to people who have jobs in this State, who have manufacturing plants in this State, isn't that what this is all about? Isn't that what...what we're doing when we're trying to improve the business climate in the State of Illinois and attract businesses to Illinois and help the businesses in Illinois expand, which is what this will do? The Department of Commerce and Community Affairs, the governments...the Governor's own department, is in favor of this attempt to override. Several years ago the Governor appointed his own task force of...major Illinois companies to a business advisory committee. The group was to make recommendations on how to improve the Illinois business climate. The very first recommendation that the Governor's own task force made was embodied in this bill, the Governor's own task force. And I...I can't understand how anybody who wants to improve business wants to vote against the bill that will help people who have payrolls in Illinois, who put people to work in Illinois and who have manufacturing plants in Illinois, especially with the surrounding states, the states that

are contiguous to us, doing this today. We talk about the twenty-two million dollar revenue loss, the fact is that the Department of Revenue's study was limited to only the largest eighty-eight taxpayers. Over a hundred and thirty thousand corporate returns are filed each year and they only used less than six percent. The result would be different if the study were broadened but they only limit it to eighty-eight because it suited the Department of Revenue's needs. I think we ought to help business in Illinois and if we're going to help business in Illinois, no one is going to be hurt. Let's put us on parity on a level playing field with the other states around us. We're giving preference to people who give jobs in Illinois, we're giving preference to people who have manufacturing plants in Illinois, not businesses in other states who have their payrolls predominately in other states, their manufacturing plants predominately in other states and...and prey upon us with sales. Let's give the advantage to people who employ people here and the advantage to people who have manufacturing plants here. I think that's where the...where the advantage should go and that's why I think it's very important to override the Governor's veto and to vote for this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Luft, I understand Senator Keats is going to close. Senator Luft.

SENATOR LUFT:

Could we have a dual closing? I would just like to make a couple of comments, please. I'm not so sure that everybody hasn't made up their mind before we even started, once the bill was called maybe we all knew how we were going to vote. But there's been a couple of things said that rankle me just a little bit, and the one thing that I'd like to point out is some people, some corporations in this State felt like they could be helped by this bill. They've made a commitment to

this State, they have been here for a long long, time. They sit and they watch us give eighty million dollars to Chrysler-Mitsubishi, they watch us pass this bill to help this person and that person. They have decided collectively that we can help them in this State. Now I look at this picture and I see every state around us has something and, as Senator Davidson said, almost every one of them is different. So there really is no uniformity in the whole system and I don't care. I don't care if we are the only one that is starting something. I don't care whether ours is unique or creative or what. What I want to do is to respond to a group of corporations, major corporations in the State of Illinois that say they need help. And let me give the Department of Revenue...I'll tell you where to come up if, in fact, it is twenty million dollars. This...this year we passed Senate Bill 254 that took one penny off right now on the ethanol and another penny in July, that adds up to almost twenty million dollars. So if we loose twenty million dollars we just picked it up off of another corporation and another industry in the State. All I want you to remember, if you're not committed, that there are people that have asked us for help, people in this State that have a commitment. And I think we owe them that help.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Keats to close.

SENATOR KEATS:

We are set to close, I'll remind the...last thing and that's it, I'm going to be very brief. What Dick said, you look at this map, everyone talks about how we're doing something sneaky. You look at every state in the midwest, we're the only one that is not making an attempt to take care of the companies that have made the largest, single investments in our State. Were we the only states in the midwest doing this, we ought to be against it, but we're the only

state...the only state in the midwest that is not doing it, which ought to tell you something. With that, one comment was made that we should have made this optional. The sponsors of the bill wanted this to be optional, it was the administration that didn't want it optional 'cause that would have been the major revenue loss. When...when it was brought up a revenue loss...I have to say one thing to clear this up, they claim we're going to loose twenty-two million dollars. In 1979, when we were replacing the...remember the Corporate Personal Property Tax, this exact idea was discussed then and the Department of Revenue said it was revenue neutral. Now one year the Department of Revenue says it's revenue neutral, next year it says we loose twenty-two million. Had any of you ever read Department of Revenue numbers and realize that sometimes they might be in error and that sometimes their numbers slant the direction they want it? They want to establish the tax system instead of the Legislature. Personally, maybe I don't understand the system but I've always personally thought the Legislature established the Tax Code and if their numbers say one time it's neutral and one time it's twenty-two million, I think we dismiss their position, and I ask for your affirmative vote to support the corporations that have made the largest investment in Illinois and put us in conformity with the rest of the midwest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 2384 pass, the veto of the Governor to the contrary notwithstanding. 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 30, the Nays are 20, 3 voting Present. House Bill 2384 having failed to receive the required three-fifths majority vote, the motion is declared lost. Page 7, House Bill 679, Senator Welch. House

Bill 679, Mr. Secretary.

SECRETARY:

I move that the item on page 1, line 28 House Bill 679 be restored, the item reduction of the Governor to the contrary notwithstanding. Signed, Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is an attempt to restore a hundred and seventy-two thousand dollars to the budget of the Department of...of Mental Health for pilot projects affecting...sending psychiatrists out to the homes of...of handicapped and mentally ill individuals. This is an attempt to restore just a portion of a eleven million nine hundred thousand dollar budget that was cut by the Governor, and I would move for the...override of the Governor's reduction veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the item on page 1, line...Senator...I'm sorry. Senator Bloom.

SENATOR BLOOM:

I'm sorry, Mr. President and Ladies and Gentlemen of the Senate, unfortunately, I'm the designated hitter on this one; and the agency does resist this for the simple reason that the department presently is supporting these activities and this...the department is already doing this, and I think that the out-year implications for this are far beyond just a hundred and seventy-two thousand. We had this before us yesterday and we rejected it, and I'll shorten it up, I would urge that we continue rejecting it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...all right. The question is, shall the item on page 1, line 28 of House Bill 679 be restored, the...the item reduction of the Governor to the

contrary notwithstanding. Those in favor indicate...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 29, the Nays are 25, none voting Present. The motion with respect to House Bill 679 having failed to receive the required majority vote of Senators elected is declared lost. House Bill 679, Mr. Secretary.

SECRETARY:

I move that the item on page 2, line 28 of House Bill 679 be restored, the item reduction of the Governor to the contrary notwithstanding. Signed, Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have moved in writing to restore an item reduction of 1.5 million dollars. As you will recall, in the Department of Mental Health and Developmental Disabilities' budget, we appropriated successfully two and a half million dollars for programs to serve developmentally disabled persons who become too old for the education funded programs. And the budget as proposed did, in fact, include two million of Federal vocational rehab. funds to begin the initiative. The Governor simply cut it back because of fiscal constraints. I am asking that we restore it, 1.5 million dollars, and I would solicit your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. Once again, I guess I have to be the designated hitter on this. There's a reason why that 1.5 million

was taken out. Already the State has committed three million dollars in this fiscal year to that segment of the populations who is what they call aging out. This is a multiyear and multiagency problem and already the Department of Rehabilitation Services has taken two million and is getting two million to address this problem, and the Governor left one million in for the Department of Mental Health to address the problem as well. And it is based on that knowledge that the monies are there. If these monies are restored, the Department of Mental Health will be unable to expend them within six months. So this is to a degree a...more of a gesture and I think that symbolism is best left to the other Chamber. They often act in a symbolic fashion, but here, I don't think that this effort is necessary, the money is there, it's a multiagency and multiyear problem, and I would suggest that we do not support this motion. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kenneth Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I do not regard this as a symbolism. The money is there, you're right; because when you think of the total budget, absolutely, Senator, it's there. This should be passed, that's what we're about and that's what we're here for. I would ask and solicit your most favorable support to this. It's a very needy cause.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am...I'm not in a position really to dispute what...what Senator Bloom has said. I think it's an honest effort to...to shore up a program that was instituted by this General Assembly and funded at the time in June at the proper

level. And I'm asking again that we restore this 1.5 million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall the item on page 2, line 28 of House Bill 679 be restored, the item reduction of the Governor to the contrary notwithstanding. 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 31, the Nays are 20, none voting Present. The item on page 2, line 28 of House Bill 679 having received the required majority vote of Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

I'm asked to seek a verification of the affirmative votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Bloom has requested a verification of the affirmative votes. The Secretary will read those Senators who voted in the affirmative. All members of the Senate will be in their seats. Mr. Secretary.

SECRETARY:

The following voted in the affirmative: Berman, Carroll, Chew, Collins, D'Arco, Darrow, Dawson, DeAngelis, Degnan, Demuzio, Dunn, Hall, Holmberg, Jones, Kelly, Kustra, Lechowicz, Lenke, Luft, Macdonald, Netsch, Newhouse, O'Daniel, Poshard, Sangmeister, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom, do you question any member?

SENATOR BLOOM:

Senator Chew.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew on the Floor? Senator Chew is right here at the Podium.

SENATOR CHEW:

I'm sorry, I didn't...all right...

PRESIDING OFFICER: (SENATOR DEMUZIO)

He blended in with the flag.

SENATOR BLOOM:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR BLOOM:

Senator Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn on the Floor? Senator Dunn on the Floor? Strike his name. Senator Carroll has returned to the Chamber so restore his name. Senator Bloom.

SENATOR BLOOM:

Senator...oh, he's in his seat. Okay. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the verified roll call, the...there are 31 Yeas and 20...I'm sorry, there are 30 Ayes, 20 Nays and none voting Present. The item on page 2, line 28 of House Bill 679 is restored and the vote has been verified. All right. Motions in writing accept specific recommendations for change, House Bill 975, Senator Lemke.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 975 in the manner and form as follows. Signed, Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

HB 982
App. Rec.
of Gov.

What the Governor did was add language to the bill to give a clearer definition of manufacture and sale and possession of machine guns including the parts necessary to construct one is illegal. I think it's a good amendment and I ask for adoption of the Governor's recommendation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 975 in the manner and form as just stated by Senator Lemke. 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 54, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 975 having received the required constitutional majority of...vote of Senators elected are declared accepted. 982, Senator Kelly. Senator Kelly.

SENATOR KELLY:

Thank you. Thank you.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 982 in the manner and form as follows. Signed, Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, members of the Senate. House Bill 982, as you may recall, is a bill which provides for a nonreferendum tax increase for unit districts for educational and transportation purposes. The original intention of the bill was to provide equity between units and dual school districts in the State of Illinois on their tax rates. The Governor decided to set a threshold of fifteen hundred stu-

dents; therefore, something like seventy-five percent of the smaller school unit districts would not be included under this proposal. I do, however, understand and know that there is legislation moving through the House. It isn't moving as rapidly as some of our colleagues wish which would bring in the smaller unit districts. I also realize it would be very difficult for some of the particularly downstate legislators who represent smaller unit districts to support this concept without having the other bill move through the Chamber. Now, we held this bill yesterday and my feeling is that we should go forward with it. I don't know how long we're going to be here and I'd like to proceed with this bill and would ask, therefore, that...I move to accept the Governor's specific recommendation for change with respect to House Bill 982. Solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. I...I did ask Senator Kelly yesterday to...to hold this bill and...and made him aware of...of what we were attempting to do in...in the House and I'm prepared to make that same request this afternoon. I'm...I'm vitally interested in this bill, I believe that the tax rates for those school districts is extremely necessary. There were many members in this Chamber who last spring for the first time in history made a commitment to support this equity concept. We did that all...all in relationship to the whole reform package. We felt that it was necessary and it should happen. I believe that a mistake was made in this amendatory veto, that this now has become a...a reorganization issue rather than a...an equity issue. I...I believe the bill is moving along nicely in the House that would allow for the rest of the school districts to be included under this concept, but I

am terribly concerned that if that bill does not arrive here, those of us who support...who support this concept will be forced to kill this issue with respect to House Bill 982. I don't want that to happen. This is very necessary for both those school districts above fifteen hundred and below fifteen hundred. And, Senator Kelly, therefore, I would respectfully request that you take this out of the record and allow us to debate it a bit later.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman. Further discussion? Senator Berman. We...Senator Berman, you have to...at Senator Dawson's desk.
SENATOR BERMAN:

I have a parliamentary inquire, Mr. President. I don't know the full schedule of the day. I would suggest that if we can get a commitment to get back to this, I would concur in Senator Maitland's request to take it out of the record at this moment, but I think...and I think we're all in agreement with what we're trying to accomplish but I'm not sure of the timing. None of us know what's happening in the House. If we have a commitment that we can get back to this before we...adjourn today, I'm...I know that that's Senator Kelly's concern, that we'll have at least a chance to have part of a loaf if we can't have it all. I think we all are on...on board to get it all, but I think that we've got...well, some of us are on board to get it all. If we could have that commitment, I...I would suggest that we take it out if we'll get back to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

This question arose earlier in the day and I posed that question to Senator Rock. Is Senator Rock on the Floor? Senator Rock indicated that he intended to call...have called today both Senator Kelly's measure as well as the measure once it...came from the House. So, I...I think there's no commitment to play games with this kind of legislation and

I...I am unable to speak for Senator Rock, he's not here. But I...I'm sure that we could get back to it, that's up to Senator...Kelly. Senator Kelly is...is the sponsor of the motion. Senator Kelly.

SENATOR KELLY:

Mr. President do you have a reading how long we're going to be here 'cause I think we can get leave right here from the Senators present to get back to this before we adjourn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...I...

SENATOR KELLY:

But it...it depends on how long we're going to be here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...we have...let's do it this way. We have several motions that are still before us that we are going to go through. By that time, Senator Rock should be back. So why don't we...

SENATOR KELLY:

Why don't we at least get to that then let's...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...why don't we take it out of the record...

SENATOR KELLY:

Right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...for at least the time being till we reach down the...the remainder of...of the Calendar on page 7 and come right back to it. Is there leave to do that? All right. Leave...leave...take it out of the record. All right. 1163, Senator Luft.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 1163 in the manner and form as follows. Signed, Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 1163 addressed the...IFDA's total bond authorization. The bill passed out of here and also a bill, Senate Bill 211. Both bills were signed and there was a conflict. So what we're attempting to do, the Governor's specific recommendation with 1163 is to establish the three hundred million dollar level so it will be in both bills the same way and fifty million dollars is earmarked for R and D as per House Bill 1163.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall the...shall the Senate accept the specific recommendations of the Governor as to House Bill 1163 in the manner and form just stated by Senator Luft. 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. The specific recommendations of the Governor as to House Bill 1163 having received the required constitutional majority vote of Senators elected are declared passed. House Bill 1667, Senator D'Arco. Senator D'Arco on the Floor? Motions in writing to override specific recommendations. House Bill 53, Senator Marovitz. House Bill 53.

SECRETARY:

I move that House Bill 53 Do Pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. The intent of this bill, House Bill 53, which I

think was one of the most important bills that we had this Session, is to secure reliable testimony of victims without having to traumatize the child witness. The purpose is to reduce the trauma for very young victims of sexual offense and encourage parents who would otherwise not allow their children to testify in court to approve of the child's testimony out of court. I would move that we override the Governor's veto. The essential part of this Veto Message...in the original bill...the defense is precluded from cross-examining the child at the time the tape is made, and the Governor has made a change so that the defense would have a chance to cross-examine the...the child at the time the tape was made. In the bill the...the defendant does have a chance to cross-examine when the tape is introduced into evidence. The purpose of not allowing the defendant to cross-examine the child at the time that the tape is made is to reduce the trauma on the child, because what happens, oftentimes...and this is...this...this law is now in effect in...in Texas and we can use the empirical evidence in Texas to show how advantageous this is and will be in Illinois. When the defendant sees the tape that the child has made prior to the trial, what has happened in Texas is that the defendant has pleaded guilty rather than have the jury and the judge see that tape and, therefore, the child does not have to go...undergo cross-examination, the child does not have to be questioned the second and third time and that is more advantageous to a child, allows the parents...the parents who are fearful of the child being...cross-examined and traumatized now will allow that child to testify knowing that there's not going to be any trauma and cross-examination at the time the tape is made. Everybody agrees to the merits of this legislation, to its absolute importance to children who are the victims of sexual molestation and sexual abuse. We need this legislation. This is final action here and I would

move that we override the Governor's amendatory veto and finally pass House Bill 53 which will bring Illinois to the forefront of attempts to reduce trauma of child sexual victims.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. First of all, I would like to clear up something, some rumors that have been going around here. On our side of the aisle, the sponsor...the House sponsor of the bill has been going around and telling my members...members on this side of the aisle that I'm against this bill, they should vote for the override anyway, but I am against it because I had a bill on the same issue. Now, first of all, I've never talked to the House sponsor of the bill about whether or not I'm against this override motion, he never came to me. So if he's going to be quoting me, he should have first talked to me, 'cause I haven't told anybody I was against this override. It is true that I had a bill on this same issue which I personally felt, naturally, pride of authorship, that was a better bill, and I got it out of the House committee; but then I was told by one of Speaker's operatives I would never get that bill called, you'll never get it called, Karpiel, and it never was called. So I, if I'm so much against this sponsor's bill, am a cosponsor, you may notice, a hyphenated cosponsor on...of the Senate...as the Senate sponsor on this bill. And I sponsored it and voted for it and voted for it in committee and never spoke against it because I felt it was important to have at least something out there and, hopefully, the Governor could amend it to make it what I thought would be a better bill and he did. I am extremely surprised that there is an override motion on this amendatory veto, because the things that the Governor did I feel made it a much better bill and let me

tell you why. It is...it...any bill is unconstitutional if you'd...if you disallow the defendant's rights for face-to-face confrontation with the...with the accuser. So you must have that someplace in the bill. If you do not have the confrontation taking place at the taping of the videotape, it has to come sometime later, and where it will come if this bill...if this is overridden, where it will come is in court. Now what we're trying to do with this bill is to have children under the age of 12 who have been sexually abused have them make a videotape which could then we used in court so that they don't have to be placed in that court, that zoo/circus atmosphere and then be cross-examined by the defense attorney. It is much better to have the defendant and the defense attorney cross-examine the child at the time of the taping when you're not in court and don't have all the hoopla and the media attention and then to be able to use that tape in court. If you will read the Governor's Veto Message, he says exactly that, that this taping does not permit cross-examination of the child by the defendant or his counsel at the time of the taping. Therefore, a second appearance in order to allow the defendant to exercise his right of cross-examination is necessary. A second or third appearance of the child is not likely to lessen the trauma nor is...is it likely to encourage otherwise uncooperative parents to allow the child to testify. I just want to say that I don't like to stand up here...if...if the sponsor had chosen to agree with the Governor's amendatory veto, I would be standing up here urging you to vote for the bill; because I think it is an important issue and something that we...that should be done...we should do something about in this State. However, this bill unamended won't do it. It will have the child be...have to make a tape and...and tell what happened to that child, which is traumatizing; then the child is still going to have to go to court and be cross-examined there. I

mean, it defeats the whole purpose of the bill if you do not allow the cross-examination to take place at the tape and then to allow the tape to be played in court instead of the child appearing there. That's the whole point that we want to do with this bill, and unamended it certainly does not do that because it makes the child appear in court and at that time be cross-examined. And if the tape is shown and the defense attorney can show that the child is...maybe said something a little different, they can pounce on that and throw out the whole testimony of that child. It's wrong and I think we'd be better off to come back here next Session and put together a really good bill. I don't care who the sponsor of the bill is or who gets credit for it, but if we're going to put a law on the books, let's put one on the books that does something. I urge a No vote on this override motion.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Discussion? Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, for all of the reasons just so eloquently stated by Senator Karpriel, I think we should oppose this override motion. I say that as the Republican spokesman on the Senate Criminal Law Committee and I...and I do so somewhat reluctantly because I know a lot of effort went into this legislation by Senator Karpriel and Senator Marovitz and Representative Preston and so forth. But Senator Karpriel, in my opinion, is absolutely right, the measure would, if anything, be a step backward and would increase rather than reduce the trauma that potentially is experienced by children having to testify in these kinds of cases. For these reasons, I think we should oppose the override motion.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

Mr. President, what happens if this...this is a motion to override, what happens if we don't override...to this piece of legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, we are faced with...with two choices. We override and the bill becomes law or the bill dies and we have no help at all for the victim of child molestation or sexual abuse. This is it, we have to follow the House's action. The House overrode, we either have to override or the bill is dead in its entirety.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WCIV-TV 26 in Chicago has requested permission to...to videotape. If leave granted? Leave is granted. Senator Lemke.

SENATOR LEMKE:

So then, that would mean that we would have no videotaping of...children's testimony in...this matter? I think then as a Senator and as a responsible individual, it's time that we give some consideration. I don't like to be put in a box by the House and I wish there were some kind of rule change. But all we can do here is adopt the bill so we can get videotaping in...in these incidents. It's...it's a half a loaf, it's not what we want, but it's still a half a loaf and it's something better than we have. And to defeat this because...we fail to go along with the Governor's amendment would be to me ludicrous and...and not protective of our minors who have been abused, and I ask for adoption of Senator Marovitz's motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate. One of the reasons that I supported both Senator Karpziel's bill and...and Representative...Preston's bill is to lessen the trauma on the youngster who is sexually abused. As a former assistant state's attorney who was involved with representing little children who were sexually abused and badly, I know what a trauma it is on the child to have a child testify in court. What the Governor did with his motion, and rightfully so, and we...it missed us because it was the last month and we had so many bills and those of us who should have known better should have caught it and we didn't. What the Governor has done in his amendatory veto is provide that the attorney for the prosecution during the video in the court, during the video, may question the child, and the...the attorney for the defendant and the defendant himself pro se if he's alone may cross-examine the child and the court would rule on evidentiary objections of the prosecution of the defense. Now, if we support this bill in its present state, we are not doing the job that the bill was intended to do and that was to lessen the trauma on that poor victimized little child...of sexual abuse. I feel that Senator Karpziel is absolutely right and I don't care whether it's her bill or whose bill it is, I think we're better off not to go ahead with this bill because it doesn't do the job we wanted to do and that was to have the child's testimony videoed and not have the child subjected to unnecessary coercion and browbeating in court. And I feel the best thing to do under the circumstance...and God knows, I support children, I don't like molestations of children, I've been death against it. I say that, I...I state definitely I speak against the motion to override the Governor's amendatory veto which had made the bill a much better bill than when it went out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Collins.

SENATOR COLLINS:

Okay. Senator...Marovitz, right now, can a child be required to appear in court to testify?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Then...then why...what I would like to know, and I apologize for...for being in the phone booth at the time when you started talking about your...your rationale for...for wanting to override, then how does this bill make it easier or less dramatic on the child in cases of...when the child is involved in...in some type of...or a victim of some sort and have to...give some...evidence or testimony against...the accused?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Okay. Let me try and explain it. Today, what is happening in the vast majority of cases, the child is not testifying, the parents are not letting the child testify and for that reason, a lot of these cases are not prosecuted. What this bill will do, it will allow for the first time the child's testimony to be videotaped to reduce the amount of trauma to the child so that the parents will then allow the child to testify. The child will not be cross-examined at

that time, they will be cross-examined later...the child will not be cross-examined at that time to further reduce the opportunity for trauma. But at the time of trial, if and when the videotape is introduced, then the defendant has an opportunity to cross-examine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

You answered my first question in the affirmative first and then you just...you answered it a different way. Now, I'm looking at...at the digest of the...of the Governor's recommendation here and...and I don't have anything except that. It says the bill now requires the child to appear in court for the purpose of cross-examination by the defendant or supplementing questions by the prosecutor. Now, I'm...you said that...first you said yes but then you said, what is happening the parent does not allow their child to come. Now the question under this Act as it is written according to the Governor of...of the synopsis here is that it...it now allows that...that the child can be required to come into court to testify. And that...and that's...I...I guess that's what...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

No, no, I want to clarify this because I think, Senator Geo-Karis, I think you've confused some people and I want to make that very clear. This bill does not require in any way a child to go into court and testify; whereas, prior to this law, they wouldn't have had to testify. That is not at all have anything to do with this law. Today, what happens is a child is not testifying. When...when...you asked me the question, is a child required to go to court. Okay? Maybe I...maybe I didn't...maybe I gave you technically the answer, yes, if they want to prosecute. But what happens is, the

parents are not letting the children go into court so the cases are not being prosecuted, the children are not going to court and the defendants are going scot free. These cases are not being prosecuted. All this bill is, and we...let me just say this so everybody understands. Senator Karpziel, Senator Barkhausen, Senator Geo-Karis, everybody...everybody, the Governor, is in agreement that we need a videotape bill. There is no controversy in that whatsoever. And...and that videotape bill does not mandate a child to testify any more than the law is today. All it...all it does is reduce the trauma. What the issue is here is, the bill before us says that at the time of the videotaping there cannot be cross-examination. The cross-examination does not come until the...the...until the trial when the tape is introduced into evidence. The Governor's change said, he wants the defendant to have the opportunity to videotape both, at the time the tape is made and at the time that the tape is introduced into evidence at the trial for cross-examination, two times. That's the only controversy here, not whether the child will...will have to go into court more or less, that is not an issue at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion for a first time? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, I don't know if we should try to throw any more light on this or not at this point, but to try to help Senator Collins and other who may be confused, the present law today is very simple. As we stand here right now, if there's a child abuse case, the...the child has to appear in court and give his testimony and there's cross-examination by the defense attorney. Well, that's what I'm trying to clarify for it, that...that is the present law right now, nothing different than any other witness. You put the kid on the

stand and he testifies and the defense counsel cross-examines him. Now there is a theory that we could be more effective in child abuse prosecutions if we allow this videotape concept outside the presence of defense counsel and outside the presence of the defendant. And what...what they want to do is be able to do that. Apparently in other states that have done this or one other state that's done it, once that videotape has been made without defense counsel being there, it is then shown to the defendant and the defendant at that time will admit his transgressions, may plead guilty and can dispose of the case. As I understand it, the Governor is saying, well, because the bill is drafted that you have to allow a person to be confronted by an attorney if he's going to go to trial, that's what I think the misunderstanding is here. The idea of the bill is to prevent cases from going to trial. The Governor is saying, well, if he does have to go to trial, then there's going to be cross-examination of him anyway, we ought to have the cross-examination during the time that the kid is being videotaped. The sponsor says no, let's not do that; let's see if we can't use it without because mothers and parents, and fathers, of course too, will be more readily wanting to cooperate with prosecution when they know that defense attorney and that defendant is not going to be there. You know, it's a judgment call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Karpriel for a second time.

SENATOR KARPIEL:

Well, I just wanted to clear up something also. The Governor is not only saying that if you cross-examine at the time of the taping, then you can...what he's saying that if you...do the cross-examination at the time of the taping, he also has written...amended and written into this bill that then that tape recording can be used in trial. So that

we're...we're achieving that purpose anyway. We're saying that the tape is made, that's it. The kid doesn't have to take a chance on whether or not the defendant recants and says, I did it and whatever, and it doesn't go to court. I suggest that there isn't a defense attorney around here who is not going to make sure that that kid goes to court. And then that child is going to have to be testifying in the court situation. If you do the cross-examination at the time of the taping, when it's not a court situation, when you don't have all the jury and all the people there and then that's it for that child and that child can then...that tape can then be used in court, to me that makes a lot more sense than hoping that these defendants are going to recant and do whatever and then say, oh, I'm so afraid, I'm not going to go to court.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, I regret that I have to speak a second time but I want to clarify one point. The way the Governor's amendatory veto was, it would have allowed the defendant to cross-examine the child during the...videotaping, and this way, the court could then determine later whether or not to ask the child again. And, you have to allow the defendant his course in...in law, his due process. And the way the bill was written did not allow the defendant his due process during the video. And it's better to have the due process during the video rather than subject that child two and three and four times again to come...in front of a court. I feel the bill should have been accepted as it was amendatorily vetoed by the...by the...the Governor and not changed...not be attempted to be overridden. And I still speak against it because we are not...helping that child who has been traumatized by having him...him or

her cross-examined during the trial. She should...she or he should be cross-examined during the video and that's where it belongs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz may close.

SENATOR MAROVITZ:

Thank...thank you, very much, Mr. President. I want to clarify a couple of things. Just to clarify something that Senator Sangmeister said. At...in this bill as it stands...in its original version, at the time of taping the defense...defense counsel and the defendant have a right to be there, they have an absolute right to be there. They just do not have a right to cross-examine at that time. And the purpose of this is to prevent the trauma. They do have the right to cross-examine...cross-examination at the time the tape is admitted to evidence and at the time of trial. The difference is, in this version there is a good chance that the child will never have to be cross-examined, because after seeing the tape, the defendant, as has happened with this same bill in Texas, the defendant will plead guilty and not want to go to trial and, therefore, the child will never have to be cross-examined. In the other version, the child will always have to be cross-examined and it will maximize trauma. There is no chance at all for the child not to be cross-examined in the other version because it will happen immediately at the taping. In this version, it doesn't happen at the taping. The defendant is there, the counsel is there, the lawyer is there, but if the taping is such that when the defense counsel sees it and says, you'd better plead guilty, then the child is never cross-examined. And let me add this. The fact is, that it isn't true that if the...that if the defense counsel cross-examines at the time of taping that the child will never have to testify again, because the child can always be recalled. And if the...and if the...and if

the...the lawyer asks to recall the child, there's no way that they can deny that because they're denying the defendant his...his rights. The child can be recalled again at the...at the trial and, therefore, have to do it a second time. This bill that is before you now will prevent the trauma and may prevent the child from ever having to be cross-examined. As far as the rights of the defendant, which I, as you know, am always primarily concerned about, this bill was written by the criminal section...Criminal Law Section of the Bar Association. It guarantees the defendant's constitutional rights because at the trial he has an absolute right to confront his...the...the...the victim and an absolute right to cross-examine at the time of trial, but if they see at the taping that the...that the story is...is one that will hold up and the child has been a good witness, as has happened in Texas, fifty percent of these cases the defendant pleads guilty and the child never has to be traumatized by cross-examination, never. Okay? Now, this is what we have before us, and I think it's important for everybody to understand what they're voting on, if you do not vote to override, you are voting against...tape testimony in...in child abuse cases, that's what you're doing. You're voting against having videotape in sex abuse cases for children. If we vote yes to override, we're going to have that videotape, and if you feel strongly about the other version, that the defendant should have the additional opportunity to cross-examine...the additional opportunity to cross-examine at the time of taping, we can put that in next time and I'll support it, and I'll support it under Senator Karpziel's sponsorship. But the fact is, this is the bill we have before us. We are left no choice, the House overrode. We need videotaping in sex abuse cases of children. We want to reduce trauma, we want the parents to allow the kids to testify. It's worked in Texas, these people are pleading

guilty without going to trial. In the other version, at least once they'll have to be cross-examined. Here, they may never have to be cross-examined, minimize trauma and still retain their constitutional rights. Please vote yes to override, give us videotaping in sexual child abuse cases.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 53 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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 26, the Nays are 24, 4 voting Present. House Bill 53 having failed to receive the required three-fifths vote, the motion is declared lost. 1269, Senator Lemke. 1585, Senator Poshard. House Bill 1-5-8-5, Senator Poshard. All right. Senator...Mr. Secretary, 1585.

END OF REEL

REEL #3

SECRETARY:

I move that House Bill 1585 Do Pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Poshard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm asking consideration for your support of this bill. This bill passed the Senate by a vote of 57 to 32 and it passed the House by a vote of 115 to nothing. The bill authorizes municipalities which operate natural gas systems to form joint municipal natural gas agencies for joint planning, financing, owning and operation of facilities relating to natural gas. There are sixty-four municipally owned gas systems in Illinois and this would permit them to participate in a joint agency to provide gas services to residents of Illinois communities. There are several potential benefits of this bill. The first is that it would increase the availability of lower cost natural gas for local utilities because of larger purchasing power. Secondly, it would prevent the decline and rapid cost increase of gas to residential and industrial customers of municipal gas. And, third, it would provide municipalities the ability to access more than one gas pipeline, thus, providing more competition and possibly lower prices. In 1983, municipal electric agencies obtained authority to form joint action agencies to provide electrical services to member communities. That bill became public law. It passed both Houses by an overwhelming majority. This bill only accords to the municipally owned gas systems the same

authority which we have already given to municipally owned electric systems. It's the same bill exactly. The bill...this bill holds that property of joint agencies that is a part of the project shall be exempt from property taxes, the same provision we have already accorded municipally owned electric systems but shall be subject to payments in lieu of taxes. No money is lost in the form of taxes to local government, no unfair burden is placed upon other taxpayers. The House overrode the Governor's veto on this bill by an overwhelming majority. It's a good bill. It only extends to the municipally owned gas companies what we have already given to the municipally owned electric companies. I would ask your support of the override motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1585 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote...Senator Mahar indicates he had his light on. I must...my bifocals...I'm having trouble apparently. Senator Mahar.

SENATOR MAHAR:

I'd like to ask the...sponsor a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Mahar.

SENATOR MAHAR:

This bill as originally drafted allows for the municipalities...or allows for the...a property tax exemption for these joint ventures, is that true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Well, it's the same exemption that's already allowed to municipally owned electric companies, but in lieu of taxes, a direct payment is made back to the local government for what-

ever the taxes would have been otherwise. The only exemption for property taxes is that part of the project of the company whereby perhaps a line is laid or whatever that...that refers to the specific project whereby two or more...municipalities go together to access cheaper rates, more gas purchases.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Yes. Well, the municipalities on their own have the right to take these properties off the tax rolls themselves, do they no-?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

I'm sure that they do if they so choose.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

One last question. Didn't we defeat this proposal...a few days ago or yesterday?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Senator Mahar, we did defeat it yesterday, in fact, and I refilled because this is a good bill. There's no logical reason for turning this bill down.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall House Bill 1585 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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 30, the Nays are 22, 2 voting Present.

The motion with respect to House Bill 1585 having failed to receive the required...three-fifths vote is declared lost. Messages from the House.

SECRETARY:

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

Mr. President - I'm directed to inform the Senate the House of Representatives concurred with the Senate in the passage of a bill with the following title:

Senate Bill 907 with House Amendment No. 5.

A like Message on Senate Bill 1307 with House Amendment No. 2.

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

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

House Joint Resolution 114 and 116, both congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. All right. We now have prepared an additional supplemental...Supplemental Calendar No. 1. If we could get the...some Pages down to have Supplemental Calendar No. 1 distributed and while we are doing that, we will take care of some more paper work. (Machine cut-off)...resolutions.

SECRETARY:

(Machine cutoff)...Resolution 562 offered by Senator Demuzio and all Senators, and it's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

SECRETARY:

Senate Resolution 563 and Senate Resolution 564 offered by Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...executive. Senator DeAngelis, for what purpose do you arise? Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

I thought while we're at a moment of leisure that you might want to take up motions in writing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We'll get right back to you. (Machine cutoff)...Lechowicz, what purpose do you arise?

SENATOR LECHOWICZ:

Thank you, Mr. President. To ask leave of the Body to include Senator Berman, Jones and...and Topinka as...cosponsors of Senate Bill 1483, and also ask leave to include those same individuals to be cosponsors on Senate Bill 907. 1483 was introduced Tuesday and that would prohibit the midterm cancellation of certain insurance policies except for specified reasons. Yesterday the language from 1483 was sent over to the House, it was adopted this...this morning on Senate Bill 907, which Senator Chew is the principle cosponsor for that purpose and it's supposed to be coming back here this afternoon which will alleviate that problem. And for that reason, I ask that the individuals who are on 1483 conjunction with Berman, Jones and Topinka, myself and Degnan be added on 907 as well. Also, put down Senator Dawn Clark Netsch as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On...on which bill?

SENATOR LECHOWICZ:

Both, 1483 and 907. Is that too difficult?

PRESIDING OFFICER: (SENATOR DEMUZIO)

We got it. All right. Is leave granted? Leave is granted. All right. Supplemental Calendar No. 1 should have been distributed by now. Conference Committee reports, Supplemental Calendar No. 1, Senate Bill 882, Senator Degnan.

HB 1109
C.C. Report

(Machine cutoff)...Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Conference Committee Report No. 2 on Senate Bill 882 bears no resemblance to the Expedited Checking Clearing Act which we passed out of here last June. The Conference Committee report provides for amendment to Chapter XXVI, Article 8 of the Uniform Commercial Code dealing with security transfers. The present law permits and gives legal effect to book entry transfers of securities between domestic clearing corporations but silent on book entry movements with foreign clearing corporations. This bill is to clarify the status and recognize the validity of book entry movement of securities involving clearing corporations located outside the United States. This bill provides an essential step in developing international securities trading links. The New York Stock Exchange will shortly obtain this authority from its Legislature and the passage of this bill will allow Illinois to compete fairly with New York. I'd be happy to answer any questions, I believe there's no opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall the Senate adopt the first Conference Committee...second Conference Committee report on Senate Bill 882. 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? You want to get Senator Berman there...have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does adopt the second Conference Committee report on Senate Bill 882 and the bill having received the required constitutional majority is declared passed. House Bill 1109, Senator Joyce. House Bill 1109, Senator...Jerome Joyce.

SENATOR JEROME JOYCE:

My microphone just broke. Thank you, Mr. President. This bill clarifies and certifies that the people who sign petitions...who circulate petitions, now that's circulate not sign, at the bottom of that petition they put the date when they started to circulate it and...finish, or they will certify that they did not start circulating the petition before the date that the opening of the petitions...that you were eligible to circulate petitions. It certifies that they did not start before that time. Also,...okay, it permits the Board of Elections to hire to...a long-term contracts to people...yeah, recent...to implement recent voter registration Acts. Also, it prohibits filling a vacancy in nomination sixty days after the general primary when no one has filed for that position.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Oh...further discussion? Senator Darrow.

SENATOR DABROW:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Darrow.

SENATOR DABROW:

On page 19, Section 3, "it provides that this Act takes effect upon becoming law and Section 1 applies to all nomination petitions filed with respect to any election to be conducted on or after February 4th, 1986. In other words, the petitions that may be out now and being circulated are not governed by this Act, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

No, that is not right. It...they would be governed by this Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Would there...would it be necessary then to recirculate these petitions or how would we make the change when they come back already signed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

No, they would not have to be recirculated. They wouldn't have...when...when you...when...when you sign them you'd certify the dates.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Well, on the petitions that are...that were sent out by the Board of Elections, they had a certification at the bottom. Does that certification comply with the changes in this law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

It...it does but you can specify on the thing that...that the dates were between such and...that you circulated it between such and such a date or you can say that I...I circulated this after such and such a date.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Well, I'm not sure if we want to do that then. If we've sent our petitions out, for example, to our precinct committeemen and they will then get to circulate them, certify them and then return them to us, we would have to go back to the committeemen and say, here, you have to recertify this

under the new provisions of the law. Wouldn't that be correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

No...if they certify...now, if they certify from the first date to the last date that they certified it, it just makes another provision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

But is that on the present certification that they say on the present certification that they circulated from one day to the next or is it the certification that we see on page 2 of this amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Page 2 of the amendment is current law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

I realize that and under current law, I don't see where you're putting in that you...you circulated them between two dates.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, that's right. This...this would clarify that. It doesn't say that, that's right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Well, then we go back to the same question. Our peti-

tions will come back with this certified without the dates on it from the precinct committeemen or whoever is circulating our petitions. We will then not be able to send them to the State Board of Elections, we will have to go back to the person who circulated them with the dates on and say, would you please certify this again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, the...on page 3, line 24, it says "Indicating the dates on which the sheet was circulated." Now, if they get that back, that will...work and then down on...on line 31, 32, "An indication in the statement at the bottom of the petition sheet the first and last dates in which the petition sheet was circulated shall satisfy the requirement that the statement indicate that the dates on the sheet...that the sheet was circulated."

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hudson.

SENATOR HUDSON:

Yes, question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hudson.

SENATOR HUDSON:

Senator Joyce, I am looking at the primary petition that it's my intention shortly to circulate. I have taken the trouble to go over this any number of times and also to the State Board of Elections to see and to check it for accuracy and correctness. They have looked this over and have assured me that this petition in its present form is okay. Now to what we're talking about here, I believe. On the bottom of my petition or all of our petitions it says that "41st District...Legislative District and the signatures on this sheet were signed in my presence on the following date/dates and

are genuine," et cetera, et cetera. Now if I let this thing go out and it comes back, is...what I have here in my hand satisfy the requirements that you're talking about over there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, there would be no conflict.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

Even though it does not specify between this date or that. All this says is on the following date...on the following date/dates. Doesn't say when they started, when they finished, just says date or dates and you say that this is okay. I'm not going to have to redo all these things.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, that is correct. It would be okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson. All right. Further discussion? Senator Zito.

SENATOR ZITO:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Zito.

SENATOR ZITO:

Senator Joyce, what's the present requirement before this Conference Committee report...is it ninety days preceding the last day for the filing...filing of the petition?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

That is opening day for collecting signatures, yes, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

I'm not reading...the answer you gave to Senator Hudson, I don't believe is the case because on...on page 3 of the Conference Committee report, lines 31 through 35 an indication of the statement at the bottom of the petition sheet, are you saying that we can just add the dates on there? I'm...I'm quite confused. There's a number of petitions that are on the street already. The petitions that were requested by printers were the revised petitions of May, 1985, I believe. This would change that revision of May, 1985, this section?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, Mr...I...yes. As a matter of fact, why don't we just take this out of the record to solve all this confusion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. Senator Netsch, for what purpose do you arise?...Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. If we might have leave...if we don't have...if we've finished with Supplemental Calendar, let me go back to that and say that we have a moment of hiatus, Senator Topinka and I have a resolution that we would like to have voted on and we would request leave to go to that order of business at your convenience, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Netsch, it hasn't even been read into the record yet.

SENATOR NETSCH:

Then we would request that it be read into the record so that we could go to that order of business.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, take it under advisement. (Machine cut-off)...Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I...for a point of an announcement. One of the issues that...has been before the Appropriations during the supplemental calendar requests of the Governor included the ability of the...what's now called the Department of Employment Security, that used to be the Bureau of Employment Security of the Department of Labor, intending to move in Chicago from its current location at 910 South Michigan to a leased space at State and Van Buren. I had our hearings last week, some questions came forth from members of the committee. Myself and Democratic members had met with Deputy Governor Reilly and the Department of Central Management Services and the Department of Employment Security this morning for an hour or so. They've been upstairs for the last several hours, it was my suggestion that since many members have been concerned about that agency and its moves over the various years that we do have a hearing. The Governor has asked me to conduct that as quickly as possible to see if, in fact, any questions are still outstanding. I have the agencies involved up in the conference room on the sixth floor. I invite the members of the General Assembly who may be interested in the topic to come up there right now so we can go through it with Central Management Services and with the Department of Employment Security. If, in fact, we end up out of space, we'll move into larger quarters, but I want to make sure that all members of the General Assembly who have any questions, myself included, have been fully advised of

the issues and dollars involved; and if, in fact, it can be resolved, we can deal with it during this Veto Session and if, in fact, there are questions outstanding, we deal with it at some future time. So I invite you all to join us now up in the 627 and if it gets too large we'll move into 212 or some other room.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Resolutions.

SECRETARY:

(Machine cutoff)...Resolution 565 offered by Senators Netsch, Topinka and Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Yes, thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Well, I...I don't mean to preempt Senator Netsch, the resolution we're about to consider is extremely important, but I just wanted...if I can have the attention of the membership, because I have been...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, could we break up the conferences. Senator Rock has an announcement.

SENATOR ROCK:

The news here is as dismal as is the weather outside. We have just...Senator Philip and I have just left the Governor's Office after meeting with the House leadership. There are four or five obvious major issues yet outstanding, one of which is the supplemental appropriation request, obviously, one is McCornick Place, one is Arlington Park and one is the question of the cigarette tax. The House, I can reliably report, is at an absolute impasse. I...I think

rather than have a caucus, I'll just tell you as much as I know at this point, they're at an impasse. Senator Philip and I are...are moving to break the logjam, but the fact is we're going to be here, so I would not make any plans to travel home this evening, unfortunately; and the Governor has stated and...just stated to the press corps. assembled in...in the hallway that he is prepared to cancel his foreign trade mission trip and is prepared to stay here over the weekend until we responsibly act on those four items. That's as much as I know at the moment. We are scheduled to meet again later in the afternoon but the fact is, let me just say, that for those of us who are concerned and I know there are many, we are under a time deadline. McCormick Place and its construction will stop effectively Monday if we do nothing. The Governor is quite concerned about the lack of revenue due to the lack of the cigarette tax. The supplemental appropriation's total amount is yet...or bottom line is yet undetermined, and the question of some incentive, if any, for Arlington Park is as yet unresolved. All of those the Governor said to me and to the others he wishes us to address before we leave here and he is prepared to stay, so I suggest so are we.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Netsch, in lieu of that, do you wish to proceed with your resolution? All right. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I can't think of a better time to proceed to the one issue on which we are all in absolute, total agreement. Senate Resolution 565 is jointly sponsored by Senator Topinka and myself and I strongly suspect that many of you will ask to...to join in and we more than invite that. It...it might seem to be repetitive at the moment but it truly is not. What it does is to spell out the deep concern that many of us feel about the recent decision of the

Illinois Commerce Commission with respect to the rate increase granted to Commonwealth Edison and its implications for ratepayers...right, thank you. Senator Sangmeister just reminded me of a procedural matter which I probably should take care of before I get to the substance of the resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Netsch, we...we were waiting to see whether or not you were going to do that. Senator Netsch has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 565. Senator Netsch.

SENATOR NETSCH:

All right. Thank you, very much...do we have to discharge Executive? No, it has not yet been assigned. Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We just now read it into the record. It...it's my understanding that the resolution has been cleared by leadership, Senator Sangmeister and the minority leader on the...on the Republican side, Senator Schuneman.

SENATOR NETSCH:

Okay. All right. Thank you, very much, Mr. President,...right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

So, Senator Netsch has moved to...to suspend the rules...

SENATOR NETSCH:

So I can move to suspend the rules for the immediate consideration and, hopefully, adoption of Senate Resolution 565. Now, back to the merits and what it does. What it does is to spell out the concern that all of us have felt about the direction of rate increases on electric utilities and, of course, most prominently, the recent 4 to 3 decision of the Commerce Commission to grant Commonwealth Edison about four hundred and ninety-four million dollars worth of additional rate increase which is likely to mean for most residential people at least a fifteen percent rate increase, something

that is, I think, beyond the pale for all of us. The resolution is...is not a bomb throwing one but I think it does express the...the deep concern if...not indeed outrage that many of us feel about this, and specifically what it asks is that the Illinois Commerce Commission use...reconsider the recent decision that it did grant and that, in fact, it formally grant a rehearing so that the matter may be reviewed; and specifically we also ask that they direct themselves to a couple of points, one of which is the greatly increased access charge from a dollar ninety-four to eleven dollars per month which is going to have a really devastating effect on all individual residential ratepayers, and, in addition, that they make use of their already existing authority, which I think we further confirmed when we passed Senate Bill 1021 in the recent Session, to take into account the huge excess capacity that these new nuclear facilities are generating and at least to have some sensitivity to those of us who are being asked to pay these enormous costs. But, basically, what we are saying is, please, reconsider and rehear and rereview this enormous rate increase that has just been granted to Commonwealth Edison. With that, I would defer to Senator Topinka, the cosponsor of the resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Netsch has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 565. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I would encourage all of you to go on unless your ratepayers, your residential home...your homeowners in general are willing to pay between seventy-five and a hundred dollars extra per. Now, this is the ninth increase that

Commonwealth Edison has sought in eleven years. They're basically coming back almost once a year and I don't know about your residential people but mine can no longer afford to go on with this. I mean, we just have some pretty common ordinary type people who live in my district who are...you know, the kind that just go along and try and live up to the laws as best as they can, but this is unfortunately...breaking their backs and I think it's probably affecting many of your districts as well. Yesterday, the Commerce Commission received its first appeal and rejected it. They...other appeals on other fronts can be proposed and we would suggest that they look at those very seriously, because if they don't, somewhere down the road, I think we can force the litigation. So if you could join us in this, I think it sends a nice message to the ICC that they kind of rethink their position and look at this very, very carefully.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. I...I intend to join in and support the resolution and...would ask to be added as a cosponsor, but there's some things that's confusing to me and...will either one of the sponsors yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch, Senator Jones wishes to ask a question.

SENATOR JONES:

Had not the Illinois Commerce Commission acted, would there have automatically been a...an increase of eighty-four million dollars more than what they granted, is that true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I'm trying to...I think what...are you saying that...that

there would have been an extra eighty-four million if they had not acted? No, basically, the rate has to be at some point approved by the Commerce Commission.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The reason why I asked the question, I saw Phil O'Connor this past Sunday and I asked the question. He said, why hadn't I...he...he informed me that the way the law is written that had not the Commerce Commission acted or took the steps that they did, the increase would have been eighty-four million dollars above what they approved. Is that true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I don't think so, Senator Jones. I...it's hard for me to respond to what Phil O'Connor said because I didn't hear it directly myself. The...the only way that that could possibly be true would be if once a rate is filed, it's...after a certain period of time it takes effect unless the...the commission acts in the meantime. That may be what he is referring to and that would require me to know the exact amount of the original filing and, I'm sorry, I do not have that in front of me right now and I cannot tell you what that figure is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Okay. Other words then, if they file for a rate increase and the...the Commerce Commission take no action whatsoever, then that rate increase will automatically go into effect. I don't know that the law is but that question...has come up and I wanted to know the answer to it, and another question I wanted to ask is this. Senate Bill 1021...or if it was House Bill 1021 which we passed during the Spring Session, when the

bill left the Senate and we put a cap on as relate to...now, if that cap had remained on the bill, would the rate increase as far as excess capacity be included in here?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Netsch.

SENATOR NETSCH:

I think the...the accurate answer on the latter question is that this particular rate increase would not directly have been affected; in fact, it would not have been affected at all because Senate Bill 1021 does not take effect until the end of this year in any event. I think probably you are looking for a little bit more of a response than that and I would say this that what 1021 did in its excess capacity provision was to say that once the bill became effective and a utility reached twenty-five percent excess over peak capacity that there would then not be allowed a return on common equity on that portion which was in excess of twenty-five percent. Now, at...at this...this is the first of what we expect to be several large, large requests for rate increase from Commonwealth Edison, almost all of which relate to the building of the nuclear facilities. This one might not have been affected by that provision even if it had been in effect, but there's no question that the next one or the next one would have. Now, let me just finish my answer because there really is another side to that which you may be looking for also. The...the existing law, in our judgment, allows the Commerce Commission right now...that is, the current law allows them right now, in our judgment, to take into account excess capacity and to make some adjustment for it in the rate increase that they grant. There is no question that that authority is there under Senate Bill 1021 even though it is not in the form in which we wanted it. Right today, the Commerce Commission could say, we will not allow all of the costs of Byron No. 1. In our judgment, they chose to ignore

their authority to do that and that is one reason why the rate increase is as large as it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Bloom. Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. It does buzz from other parts of the State. It ain't our war but I think I ought to at least get on the record that there's a possibility that if the can of worms gets opened up a little further, there is a possibility that Commonwealth Edison at a later date may end up with even larger rate increase. I only throw that in just to get it on the record. It ain't our war and whatever you want to do is fine with me, but I think you ought to be aware of that and that we ought to take a good close look at the Public Utilities Act before we jump into this thing with both feet. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I...Senator Bloom, I think you said we ought to take a good close look at the Public Utilities Act. The Ag., Conservation and Energy Committee meet fourteen hours on it this year on Senate Bill 1021. I get a somewhat of a kick out of this if it wasn't so pathetic, people now are sponsoring resolutions ask...asking that they roll this back or take a look at it or whatever. We had a bill here and we passed it out of this Chamber that would have stopped some of this nonsense, it was the twenty-five percent excess capacity; but now we're going to pass a big, tough resolution, that's really going to scare everybody. So, you know, let's pass this and all go home and put out press releases and say, look at what we're doing, boy; we're going to really scare the living daylights out of

the Commerce Commission. We just confirmed all those folks by the way, I don't think there was probably a negative vote on the whole batch of them. Well, you know, so...so we're going to...we're going to put this press release out and this resolution and...and we're scaring everybody.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, I...I don't think we're scaring anyone; however, this resolution is a statement of our policy, our feelings that we are a little tired of having our utility rates go up, up, up, and every time the...Commonwealth Edison wants a raise in rates, they get it, and this is what it's all about. If they're entitled to it, let's find out how much. That's the purpose of the Citizen's Utility Board. I, myself, have written to them and telling them to take any action possible to look into it and see if they can't reduce those...raise in rates, because I'm telling you right now, I have had more calls and more letters about this raise in rate that was just given by the Illinois Commerce Commission than on anything else in the last ten days. I think that the resolution is justified 'cause it will tell them exactly how we feel, and I think it's high time the public utilities account a little better than they have in the past and I support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I just wanted to echo some of the sentiments. I've had a chance to review the resolution and talk to a representative of the Governor's Office and this is not a partisan thing. This, I think, is in truth a bipartisan thing and I think those of us from the Commonwealth Edison part of the State have every reason to be concerned and our constituents

certainly are. Now, I happen to be somewhat of a cynic on the value of Senate resolutions. I suspect that we've had a number of them filling the garbage hands...cans of the halls of Congress and other places for years, but I would respectfully remind my colleagues that this is a group that we confirm and I would suggest they can...ignore this resolution at their own peril if they choose to, and I would like to be added as a cosponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schaffer has requested leave to be added as a cosponsor. I think of all of those of you that wish to do that would...simply notify the Secretary, you will be...you'll be added. Further discussion for a first time? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. May I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Rupp.

SENATOR RUPP:

I'd like...like to...thank you, Mr. President. Like to refer to the line 23, 24...actually on line 24. The sum of the cost overruns are attributable to...Commonwealth Edison's actions and decisions but did not result in efficient economical and timely construction. Who was responsible for the others and what were they and why were they not included in this condemning resolution?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I have...it's very noisy over here and I'm not sure I heard you. Let me just...see if I can...I'm clear about what you're asking. You're referring to page 1, lines 23 and 24, is that right, Senator Rupp? Where it says that, "The final

cost of the two Byron units will be at least six times greater than Commonwealth Edison originally told the Illinois Commerce Commission. There have been substantial construction delays and facts presented to the Commerce Commission indicate that some of the cost overruns are attributable to Commonwealth's actions and decisions." Is that the part you're talking about? Some of the cost overruns and your question was, if it's only some, what are some of the others?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Yes, plus...and why were not those responsible for the balance of the overruns and everything mentioned and condemned in this resolution also? I think you know who it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, the answer that I would give, because I think it is accurate, is that some of the cost...some of the other cost overruns are due to an...an upgrading of the Federal standards, the NRC standards for safety, which I think largely grew out of the...the Three-Mile Island incident. There is no question that the...the fear that that engendered in a lot of people required the NRC to relook at some of the standards that it was imposing, and I think that in turn required it to look more carefully at some of the construction work that was being done on the...the nuclear plants, and I think it did make it some difference and I think we are suggesting that a part of that is...is not something that can be easily recovered unless we could figure out how to get it from the Federal Government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

That's fine, you ought to get a copy of what you said, really. It doesn't mean anything. We did it, we did it. We're the ones who have brought about this...this awareness and this requirement that we upgrade, didn't we? You and I, everybody else who has any indication...any feeling about this business but we're not taking any of the blame. It's all Commonwealth, it's this...and all I do think, I object to the...that you are not including us or the Federal Government, whoever it is, or EPA or NRC or anybody else...we tend to blame the company management all the time and I don't think that's quite right, and the same thing has happened in Clinton with our Illinois Power Company. Time and time again, regulation folks have come in and said, tear that out and put it in this way; tear that out and fix it this way. So the costs go up but we never, never blame the Federal Government for their increased regulations. I just think this...I also...was real pleased...really pleased that we did have some excess capacity because, otherwise, I don't believe...I...I...let me put it the other way, I am certain that a diamond star looked at the capacity in the Bloomington-Clinton area and that was one of the factors that brought them in here. If we did not have it, we would not have been able to bring that unit in here to put the people back to work.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to say that I'm not going to take any blame for the Legislature allegedly increasing these rates, but I think that we should take some credit here in the Legislature for something we just did a few months ago. The House Bill 19 that we passed that changed the way that we determine the tax rate on utility increases saved consumers more than twenty-four million

dollars based on this one rate increase alone. By changing that law, consumers in Illinois on the Commonwealth system are saving more than twenty-four million dollars; so instead of blaming ourselves, maybe those of us here today who voted for that bill should take some credit as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka for a second time.

SENATOR TOPINKA:

Yes, just to answer what Senator Jones brought up in the...earlier on. You know, no matter how you cut it, ultimately, after a company or a utility has asked for a rate increase, the ICC has got thirty days in which to act upon it. Generally speaking, it suspends that request and acts because it's a responsible move to make. That is what they are in power to do, and up to this point, they have continued to increase it and increase it and increase it. And, again, I think the public, although they grumbled a bit, were very good at putting up with it, but I think we've gotten to the point where they can't take anymore. I mean, considering all the taxes we have laid on the public, my God, and this is basic and considering too that we have now passed a bill through this House that allows a...a...money to be provided for those families who cannot provide, that money has to...somebody has to pick up what...the residuals on that, because what you take from one has to be picked up by the other. And I know in terms of my district, we're getting hit twice by this, not only with the increase in rates but also for that twelve percent of your income bill, and I'm not going to have my people hit twice. Indeed, what Senator Schaffer says is true, Senate resolutions are probably not worth the paper they're written on, but how else can we send the message and I think if nothing else, this is where it's at. Again, ICC, reconsider.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rupp for a second time.

SENATOR RUPP:

Yeah, I apologize. One other thought that I wish I could take credit for but, no, I'm wondering if we could have as strong a resolution condemning the cost overrun on McCormick Place. I wish that the sponsor would...would also generate one of the those. I think it's the same thing. Here is sixty-five million dollars or sixty million, whatever you're talking about, and I trust that...I think it would be...interesting to see the votes on this compare with the votes on the one on McCormick Place if we ever get to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Now, Senator Jones for a second time.

SENATOR JONES:

To my esteemed colleague on the other side of the aisle that...that just posed that question, perhaps, he should ask what was the cost ran...overrun on the Illinois Center.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dawn Clark Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. Let me just emphasize that...that what we are doing in the resolution is asking the Commerce Commission to reconsider the recent decision on Commonwealth Edison's rate increase. That was a 4 to 3 decision. It is, I believe, very unusual for a major rate case to be decided by such a close vote. That suggests to many of us that it is not just the legislators and not just our constituents that had some doubt about the validity of that high a rate approval, but it was the Commerce Commission, the members of the Commerce Commission themselves, many of whom seriously questioned the validity of approving that kind of a rate increase. Admittedly, this is a resolution. It is simply the General Assembly saying, please, look at this

thing again. We know that that message will be carried to the Commerce Commission by, among others, the Citizen's Utility Board with whom we worked out...or, in fact, who really initiated this resolution. I...it seems to me that at this stage it is not very wise for the Commerce Commission to ignore the virtually unanimous exhortation from the members of the Illinois General Assembly that, look, halt, we've had enough, you'd better go back and look at what you are doing to...to our business climate and to our constituents. That is all we are asking you to approve today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch has moved the adoption of Senate Resolution 565. Those in favor indicate by saying Aye. Opposed Nay. Hearing no Nays, the Ayes have it. Senate Resolution 565 is adopted. Motions in writing. I understand Senator DeAngelis has filed one. (Machine cutoff)...Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

For a purpose of announcement. I'd like the record to indicate that Senator Nedza has left today and he left for home due to illness.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The record will so indicate. Mr. Secretary, read the motion.

SECRETARY:

Having voted on the prevailing side, I move to reconsider the vote by which the motion to override the Governor's veto on House Bill 1086 was adopted. Signed, Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

WAND-TV, Decatur has requested permission to videotape today's proceedings. Is leave granted? Leave is granted. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I'd like to apologize to the

members of the Body for introducing this motion, but yesterday when I voted for this, I did not know that on January 1st, 1984, we did have a law that did create a system for reimbursement on administrative costs for school transportation. The veto that we overrode is on a bill that makes those costs unlimited and, therefore, I would like to move that we reconsider...that we reconsider the motion on House Bill 1086.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis is moving to reconsider the vote by which...by which House Bill 1086...well, Senator DeAngelis moves to reconsider the vote by which the motion to override the veto on House Bill 1086 was adopted. Those in favor will say Aye. Those opposed will say Nay. On the question, Senator Berman.

SENATOR BERMAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR BERMAN:

Who is the Senate sponsor of this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

The Senate sponsor was Senator Karpziel.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

What's the...what is the issue before us? The...for leave to reconsider?

PRESIDING OFFICER: (SENATOR SAVICKAS)

The motion to reconsider the vote by which...the motion to override the Governor's veto was adopted.

SENATOR BERMAN:

Well, all right. On...on that issue, let me...let me explain the facts as...as I believe I understand them, and if Senator Davidson would listen, I would appreciate his comments. I think he was the sponsor of the bill that Senator DeAngelis was referring to regarding recognition of costs in school districts that contract...I'm sorry, that...that operate their own school buses, am I correct...back...back a couple of years ago. All right, he indicates correct. As I understand 1096, the change in the formula that was propounded in the original bill and that which...and which we approved yesterday changes the formulary for reimbursement so as to give a little better consideration to school districts that operate their own school buses. Now, this gets into a very complicated area but let me tell you, as I understand it, what the...what the issues are. We have two types of school districts that run buses; one school district that contracts out for an independent company to supply the bus service and other school districts that run their own buses. As this bill moved through the General Assembly in the Spring, it was heard in the respective committees and it is my impression that it was the considered opinion of both Houses and...would point out that this bill was heard in the House Committee on Elementary and Secondary Education, was passed out of there 15 to 0; it passed out of the House 116 to 0. It passed out of the Senate Education Committee 14 to 0 and passed out of the Senate 36 to 19, was concurred in by the House on about...on a vote of 113 to...to 0. As I understand it, what it did is just to allow certain elements that were not reimbursable before by those school districts that run their own buses to be included in the reimbursement formula. It brought up...gave them a little better equity. The Governor vetoed the bill. The House overrode the veto. We overrode the veto yesterday. I haven't heard any reason, and I'm willingly to listen to be educated, as to what's unfair

about the bill, because I will tell you this that every interest group, every educational group certainly had their shot in the four or five months that this bill was moving along. You know, it's not...and it...it wasn't anything that we put on...on June 30th and snuck out of here. This bill moved along in the normal process, and before I'm willingly to undo four months of deliberation, I'd like to hear why.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, I want to echo part of what Senator Berman has asked. I have been here now since '73. I have had this bill in or supported this bill which we overrode the veto yesterday I believe almost every year I have been here, 'cause the old saying, "What's fair is fair." Those school districts who contract for their bus service are allowed to use the administration, the building, et cetera, et cetera as part of their contract price in that school district's reimbursement from the State. Those school districts in many areas do not have that liberty to contract out for service, even if they wanted to; they must run their service. They are denied those same kind of administrative costs to apply in their distribution formula for reimbursement on transportation, and we would not be in this fight that if the State Board of Education would have shown the courage of what they have said to us unofficially and had put in a rule. So they left us no choice but to do this by Statute. I would urge everyone to resist this motion to reconsider the vote unless the sponsor of it can convince me for some reason that there's some...something about this that I don't know about. I'm willing to be educated about it if there's a factor that escapes me, but until that is proven to me, I urge every one of those of you who have school districts as I do, most of them who have their own transportation system, give them a

fair opportunity to participate in the reimbursement on the transportation costs. That's what it's all about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I just wanted to thank Senator DeAngelis because when the bill was up yesterday, I voted No by mistake and he's giving me a chance to redeem myself, and I...I will oppose this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR DeANGELIS:

Well, you know, I think there's some misinformation going on through this process and...and...and I...understandably so, 'cause I was misinformed yesterday when I voted the other way, Senator Schaffer. There is a formulary for reimbursing school districts who have their own transportation. What this is doing is removing the formulary and allowing...allowing them to do it without limitation. Let me just give you an example. This morning, the State Board of Education received a phone call asking...a downstate school district asked if they were to take a vacant school building and transform it into a bus garage would we be paying for it? The answer is maybe. It's not no, John, it's maybe, because with the way this bill is written and let me just read to you what it says. "In addition to the above allowable costs, school districts shall also claim all transportation supervisory salary costs and all transportation related, building and building maintenance costs without limitation." Okay? Now, you tell me whether we should buy that school again that's going to be converted into a bus garage. I don't know but I think we will, but let me tell you the fallacy of...of approving the measure while...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute. Senator Maitland, the gentleman was closing on his motion.

SENATOR DeANGELIS:

...approving the override is that there are some people and I...this is why I probably supported it, we thought we were going to get six million more in transportation money from the General Assembly. What we're going to end up doing is dividing up the pie even thinner and whereas we are at fifty percent reimbursement now, we could conceivably be lower because what you're doing is thinning up the pie, but I don't see anyplace ever where we allowed a reimbursement without limitation, never before.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis, have you concluded? All right. Senator DeAngelis moves to reconsider the vote...having voted on the prevailing side, moves to reconsider the vote by which the motion to override the Governor's veto of House Bill 1086 was adopted. Those in favor indicate by saying Aye. Opposed Nay. The Nays have it. Oh, there's been a request for a roll call. All right. The motion will require thirty votes. Having...Senator DeAngelis...the question is on the motion to reconsider the vote by which the motion to override the Governor's veto of House Bill 1086 was adopted. Those in favor of the motion to reconsider will vote Aye. Those oppose will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take...Senator Sangmeister, your light is on. Have all voted who wish? Take the record. On that question, the Ayes are 18, the Nays are 26, 2 voting Present. The motion fails. The Supplemental Calendar No. 2 is being...has been passed out. Supplemental Calendar No. 2. Senator Berman, I had...my ears were in tune originally when I declared this motion defeated. I just want to point that out to you. Chan-

SB 907
Concurrence

nel 20 has requested permission to tape. Is leave granted?
Leave is granted. Supplemental Calendar No. 2, Senate Bill
907. Senator Chew, are you prepared to proceed? Senate Bill
907, Mr. Secretary.

END OF REEL

REEL #4

SECRETARY:

Senate Bill 907 with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Mr. President, I would move that we accept House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? The question is, shall the Senate concur...well, Senator, there's...the board is lit up like a Christmas tree now. Senator Watson.

SENATOR WATSON:

All I wanted, Mr. President, was an...explanation of what it does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right,...Senator Watson has requested of Senator Chew an explanation of the amendment. Senator Chew.

SENATOR CHEW:

Senator, there's an amendment put on in the House is the correctional amendment, it doesn't have any...it's not a substantive amendment, it was a correctional amendment. I can get it and bring it over to your desk if you want to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rupp.

SENATOR RUPP:

The copy that I have is rather important.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, let's take it out of the record. Senate Bill 1307, Senator Philip. (Machine cutoff)...there leave to have Senator Weaver handle that? Senator Weaver, do you wish to

proceed? Senator Chew, for what purpose do you arise?

SENATOR CHEW:

If you wish, we can deal with 907 now or come right back to it. I have...Senator Rupp, if you will come on over to my desk, I have the amendment and we're ready on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...well, we've taken it out of the record. We are now on Senate Bill 1307...and we'll come right back to it, Senator Chew. Senator Philip, are you prepared? All right, Senate Bill 1307, Secretary's Desk Concurrence, Mr...with House Amendment No. 2, Mr. Secretary.

SECRETARY:

Yes, it's Senate Bill 1307 with House Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What House Amendment No. 2 does is allow a dollar to be taken away from the five dollars that we pay for our gun ID card to be earmarked for postage to inform hunters that when their card had...thirty days before their card expires that their card is going to expire. I'll tell you what has happened to me personally because I happen to be a hunter, my card expired. Went out to buy some ammunition and, of course, my card had expired. The Statute says that the Department of Law Enforcement is supposed to notify us. They do not notify us because they don't have the money to notify us. There's about a million and a half hunters in the State of Illinois. What that dollar would be used for that is coming from the five dollars which we pay for a five-year ID card would be used for postage, handling and mailing to notify hunters that thirty days before their card expires that it's expiring; and so I'll be happy to answer any questions, but I would move that we do concur on House Amendment

No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Sangmeister. All right, Senator Sangmeister, let's get back...you want us to get back? All right, Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

The...Senate Bill 1307 started out as the bill originally about amending the obscenity laws of Illinois. Is that out of the bill now and...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Yes, everything is deleted but the...a dollar for ID card postage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I rise in support of the bill as amended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? The question is, shall the Senate concur in House Amendment 2 to Senate Bill 1307. 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? George. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur in House Amendment 2 to Senate Bill 1307 and the bill having received the required constitutional majority is declared passed. Senator Chew, are you ready? All right, with leave of the Body, we'll

*SB 907
concurance*

return...Supplemental Calendar No. 2, Senate Bill 907.
Senator...Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. I've just had a conference with Senator Rupp. He wants to speak on the bill. We both know what's in the amendment and I'm going to move, prior to his speaking, that we would accept the amendment from the House; however, I will yield to Senator Rupp.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President, and thank you, Senator Chew. What the amendment does is attempt to stop one of the complaints that we've been hearing so much about is the cancellation during midterm of some casualty insurance policies. What this does is it indicates that no policy on some of these casualty policies except for those defined below in section so and so that have been in effect for sixty days, they can be...they cannot be canceled except for one of the following reasons, and that is if you don't pay the premium, the company can still cancel, that's logical; the policy was obtained through material misrepresentation, that's fine; any insured violated any of the terms or conditions of the policy or it's the risk that you originally accepted under the policy has changed and measurably increased...to certification to the director of the loss of reinsurance by the insurer which provided coverage to the insurer for all or a substantial part of the underlying risk. Now what that is is normally if we came to you, we handled your building for a million dollars, my company...I might give you a policy shows that Company X has a million dollars coverage for you, but Company X isn't big enough to be able to provide a million dollars, so we go to Company Y and Z and they each take, say, a quarter of a million and brings it down. Now, if they

come in and cancel their reinsurance, that would leave us with too much exposure and not too much exposure if a loss came along, might jeopardize and might water down the value of the policy of the other people in the company; and the other reason why you could cancel is if there's a determination by the director that a continuation of the policy could place the insurer in violation of the insurance laws of the State. The...that situation might be where the company might be bordering on insolvency, and for us to insist that the company continue to carry the coverage on risks that might be more hazardous than they should be, we might be...by doing that, we might be jeopardizing your coverage, someone else's coverage who...which should not be done; and in that case, the director could step in and say, well, fine, you should not be stopped from canceling. I think I do recommend...there has been quite a bit of negotiation and conversation back and forth, and I do recommend that we accept this, but I think we should also remember what we're doing to the companies. We are now saying that, Mr. Company, you cannot cancel...you cannot, but me, as an insured, I can cancel. That doesn't...add up too well as far as legal contracts are concerned. I don't think that there should be a one-way cancellation. I think there should also be a clause in there that if costs increase, part costs, labor costs, what you have done, if you're not careful, you're making sure that that company gets in trouble. The other thing that I worry about, when we make it so tough, right now the problem is an availability of insurance. If you were an underwriter and you realize that once you write that policy, it's in force for sixty days, you can't get off it, you're going to be a little bit more careful about going on the policy in the first place. That's exactly contradictory to what we're trying to do. We're trying to improve the market, this in a way does the opposite. Now, I have to say I ask that we do

vote for it 'cause I think that...but I think you should know that there are some reservations about it, there has some been negotiations and it worked out, but I do think it should be accepted at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any more discussion on this noncontroversial amendment? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a very important item that this Conference Committee is addressing. A situation that transpired a few months back, in fact, immediately after this General Assembly adjourned, July and August, certain premiums were paid and when it came time for September and some people were...school bus companies, for one, were supposed to be taking children back to school, they were notified that their insurance policies that they paid their premiums on were canceled. What we're trying to do is to address a problem of unilateral arbitrary and capricious cancellations of insurance policies which some businesses and local governments have experienced. Local governments and businesses paid their premiums in good faith and, in turn, midterm we're notified of a cancellation. This added a tremendous burden on businesses and local governments. By adding this section to this part of the Insurance Code, the bill entitles the insured to a hearing with the Department of Insurance to appeal the reasons for a cancellation. This would also prohibit the cancellation of Class 2 and 3 insurance policies except for one of the following reasons: nonpayment of premium, obtaining policy through material representation, violation of terms and conditions of policy, original risk has measurably increased or possibly, if this matter was reinsured with another company, there was a change in that policy. This Conference Committee proves the fact that the General Assembly can

address a very serious problem and come in with a resolution that is justifiable for the insured by the...for the companies and the Department of Insurance. Both the director of the Department Insurance and insurance companies and, yes, agents throughout this State need this relief, and I strongly encourage the adoption of this amendment and the adoption of the Conference Committee report as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. I rise in support of the amendment. It is my understanding that many of the insurance carriers in the State support the amendment even though this Senate passed Senate Resolution 49 creating the Senate Select Committee on the Affordability and Availability of Insurance and we will be holding hearings on this matter; however, this solved part of the problem and there are many, many other problems as it relates to affordability and availability of insurance. I've been contacted by several units of government, school districts, park districts talking about their problem they have as...as it relates to insurance and their coverage. So, this will solve part of the problem, but I...I encourage each and every one of you to support this legislation and also be supportive of other pieces of legislation that will come down the pike to deal with a serious problem not only in this State but throughout the nation and that is the problem of the affordability and availability of insurance, and I rise in support of the gentleman's motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'll make my remarks very brief. In 1984, the property and casualty insurance industry

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Spec. Recommendations

in the United States lost almost four billion dollars on underwriting; that is, they paid out almost four billion dollars more than they took in in premiums. That's a situation that can't continue, so what has happened is that the insurance companies are scrambling to try to correct that problem and as a result of that, some of them...most of them are acting responsibly, some of them are pretty irresponsible about what they're doing and the problem of midterm cancellation, that is you buy a policy in good faith with the understanding that you pay the premium up front and that you're going to have insurance for a year...that understanding is being rejected by some insurance companies who are exercising their rights to cancel policies rather indiscriminately in midterm; and while I normally would be opposed to this sort of thing because it does interfere with the free market, in this instance, I stand in support of the amendment because I think our school districts, our units of local government and business throughout this State badly need this kind of protection. So, I would urge everybody to support the amendment.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? The question is, shall the Senate concur in House Amendment 5 to Senate Bill 907. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur with House Amendment 5 to...to Senate Bill 907 and the bill having received the required constitutional majority is declared passed. Motions in writing, Supplemental Calendar No. 2, override of specific recommendations is House Bill 99, Mr. Secretary.

SECRETARY:

I move that House Bill 99 Do Pass, the specific recom-

mendations of the Governor to the contrary notwithstanding.
Signed, Senator Coffey.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. If I could...and...and I do apologize for the second time that this motion has been made but was asked by...by some of my colleagues to bring this motion back for us to take a new look at, and if you would pay attention because I was told by several members too that they didn't understand the motion when we originally brought it before ourselves yesterday. This deals with ninety-five and a half...Chapter 95 and a 1/2 of the Motor Vehicle Code. It deals with one simple word but it's...it's a very, very important word. The...the word "State"...in 1983 was added to...to the Illinois Vehicle Code, Chapter 95 and a 1/2, and at that time when it was added, it was added because the Department of Transportation for Federal...for receiving Federal funds needed the word "State" added in several areas of the...of the Vehicle Code and which is was. There was one area of the Vehicle Code that was added that created some problems and this is where we are today, and I guess we got to decide whether we think that word should stay or whether it should not. If you have refuse haulers in your area that travels on townships and county roads to pick up refuse which is mandated in...in some cases by contracts that that refuse company might have with a city or with a county or with a township, you should be concerned about what happens to this bill. If we continue on now with the word "State" added, what it does, it says that those refuse haulers cannot travel upon those township or county roads without township or county permission, which means they will have to go to each individual county and township for permission to travel on that road. Now some

might say, well, that's...there's nothing the matter with that and we have discussed that, but keep in mind the township in which the landfill lies in might not...may determine not to allow...the trucks to travel on that road and might be carrying refuse from another township or another county. In my case, in Coles County, we have two refuse...disposal sites, both in one township, both on a township road and to get to those, that township would have to give permission from travel on that road. If they decide not to get permission, we would not have another location in Coles County and...and surrounding areas for them to haul that refuse to. So, I think if we're going to demand, under contract, when we tell these refuse haulers that they have to pick up all of the sites whether it be in the township or county, and to be honest with you, if I was the haulers, I would probably say, leave it this way because that would give them good reason not to travel down those township or county roads to pick up refuse, which is probably not very profitable, but it does create some problems for where they're going to...for where those sites lie. So, you want to take a look at...in...in your area while townships and counties that...my township and county officials have not contacted me in opposition to this; some say they have but I think...in...in 1980...back as far as 1978, I went back to the Motor Vehicle Code, it has never been the intention of this Legislative Body to say that they could not travel with those certain types of equipment in those townships; and by fault or by error, this Body put the word "State" in for other reasons and now have created the problem and in some cases they're receiving as high as fifteen, seventeen hundred dollar fines for trying to pick up the garbage in those areas. I think it's a...a very important bill. I think we all ought to take a real serious look at it and I'd be glad to answer any questions for those who might have questions in regards to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I concur with Senator Coffey and if you haven't looked at this bill, it's really, really serious. For those of us who come out of Cook and DuPage County, it impacts on us very heavily. It...the...the bill as it...or I mean, the...the law as it as now is defective and if we don't correct this, we really put all of us into a bind, not just the refuse hauler but them of us that also create that refuse. So, I suggest we kind of help out and pass this bill rather quickly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

You have constantly made reference to hauling refuse. Is that all we're talking about in this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Yes, that's true. Let...let me cite...you know, the chapter. It says, "A truck specifically equipped with self-compactors used exclusive for garbage or refuse operations may however," and then it goes into that section of the code. That includes two things, the...the rolloffs that you might...if you're having construction, you might roll a rolloff off in your yard and...and put refuse in it and they come out and pick that up or the one that goes to your door and picks your garbage up. It...it specifically deals with

those people, no one else.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, I was one that has contacted by several superintendents up in my area and had a very...a distinct difference...with this bill and they were leading me to believe that we were legalizing all eighty thousand pound trucks on all township and county roads. So, evidently, what you're telling me is that the information that I've had then is wrong.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Yes,...that is incorrect. The...the specific with those vehicles...that's in the Vehicle Code, deals with Chapter 95 and a 1/2, deals with...with no other vehicles, no other trucks, and they have to have the self-compactor to be used for this specific purpose.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Coffey, do you wish to close? Senator Coffey.

SENATOR COFFEY:

Well,...again, you know, if...you know, this bill specifically deals with those people that are removing our garbage from our homes and then the only other case is where that rolloff is being left at that home, residence, business where they'd be able to move that...where they come out and pick it up and move it to somewhere else. The Department of Transportation, according to my staff analysis is...no objections to it, the Governor's Office now...have not taken a position for it but I think they're not working the bill. I think...so there's no problem there. I think it's a...it's a measure we should deal with and it's going to create some

additional problems in some of our communities if we don't. I'm...I've always been in a position to stay with counties and townships, I have no reason now to try to jeopardize anything for them except to say, if we're going to move our...to keep sanitation...or good sanitation, we have to remove that garbage and we're going to have to allow them to get there to pick it up. I'd appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...question is, shall House Bill 99 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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 37, the Nays are 8, 5 voting Present. House Bill 99 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House Bill 2368, Mr. Secretary.

SECRETARY:

I move that House Bill 2368 Do Pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

I don't usually file a second motion but this time I did because I think...of looking at House Bill 2368 and the fireowners identification card, I sent the letter out for your...reconsideration of this bill. I believe the...there was a mistake made as to misunderstanding in the debate. The present law on FOI cards does not include the words "currently valid." If you look at Senate Bill...House Bill...I mean, House Bill 2368, page 2, Section 2, you'll see that.

The courts have held in certain jurisdictions that the present language allows anyone who has a previously issued FOI card can buy guns and ammunition because of the present language...this...this has never been take up to the Supreme Court, but by adding the words "currently valid" to the Statute will solve this problem. The thirty-day provision which the Governor objected to merely tightens the law up...more so than it is now, but more important to this, we have some other major pieces of legislation in the bill. One of them...this particular House bill excludes veterinarians and animal control officers from having to have a FOI card. In other words, if at zoos, an animal breaks loose and an employee grabs a tranquilizer gun to restrain that animal and he...he violates the FOI card, and if he...if he accidentally shoots a...a patron at the zoo or something, he could be tried on a...on a...on a count because of...of violating the law. He could be tried for an aggravated assault or an aggravated battery. The other provisions are what the Department of Law Enforcement needs and that's the definition of what a mental facility is and also the reporting requirements in...the reporting requirements to make it...confidential information. Therefore, I ask the...the Body to reconsider and to override the Governor's veto in this matter so this law can...become effect. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2368 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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 34, the Nays are 2, 1 voting Present. House Bill 2368 having...the motion having failed to receive the required three-fifths vote is declared lost. Messages

from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has accepted the Governor's specific recommendations for change which are attached to a bill with the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Bill 257.

I'm further...instructed to deliver to you the objections of the Governor which are contained in the attached copy of this letter to the House of Representatives. Adopted by the House October 31st, 1985. Jack O'Brien, Clerk of the House.

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

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

Senate Bill 913 with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Just as a matter of...of letting everybody know where we're at, we are having another Supplemental Calendar. As soon as it is made, it'll be up here, we'll have it distributed. Resolutions.

SECRETARY:

Senate Resolution 566 offered by Senator Jeremiah Joyce. It's congratulatory.

Senate Resolution 567, by Senator Lemke. It's congratulatory.

Senate Resolution 568, by Senators Rock, Zito, Collins and all Senators, and it's congratulatory.

And Senate Resolution 569, by Senator Lemke, and it's a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

*HB 982 -
Amendatory Veto*

Consent Calendar. Introduction of bills.

SECRETARY:

Senate Bill 1489 introduced by Senator Barkhausen.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Rules. All right, the Senate will stand at ease for just a...momentarily here until the Supplemental Calendar comes up. Supplemental Calendar No. 3 has arrived. The Senate will come to order. If we can get some Pages down in front to pass out Supplemental Calendar No. 3. (Machine cut-off)...with leave of the Body, we...we will go back to the Regular Calendar. Senator Kelly has filed a motion. Back to the Regular Calendar, page 7. Page 7 is House Bill 982, Senator Kelly.

SENATOR KELLY:

Thank you...thank you, Mr. President and members of the Senate. House Bill 982, as I indicated earlier today, is the legislation which places a uniformity...would be, for units and also dual school districts in the State of Illinois as it applies to the taxing rates. This is the...this is the bill that had the threshold of fifteen hundred students placed into it by the Governor and it would have encouraged many of the smaller districts to consolidate in order to obtain the...the equity with the dual districts. I understand we do have the bill here now, House Bill 913, which should...which takes care of the smaller school districts and, therefore, I would ask that you join me in supporting the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of the motion to...accept the amendatory veto language. The short-coming in this bill, if any, is corrected by the bill that we

will consider immediately following this which is Senate Bill 913; and the purpose of all of this is to allow districts...unit districts to take advantage of higher access to local property taxes to improve the quality of education throughout the State. I support the motion to accept the amendatory veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you...thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I...I...I believe that everyone here understands what we are attempting to do here, I think. For those of you who support this issue, this is very critical to a lot of people both in this Body and in the other Chamber, and I would urge you to recall your vote last Spring, support Senator Kelly's motion and subsequent to the action on this bill, we will follow with...a bill sponsored by Senator Demuzio and myself and would...would ask you for your support on that also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

He indicates he will yield. Senator Watson.

SENATOR WATSON:

I have a printout here of the various school districts and the average daily attendance, and I have a district in my area that has an average daily attendance of fifteen hundred and forty-eight students. So, they will qualify for that higher rate. Now what happens next year if sixty students...they end up less than fifteen hundred? Can they then tax at that rate that...prevails today or do they then fall

to the lesser rate?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yeah, they can retain it even if it falls below. They can retain it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

What if the reverse is the case? If you've got a district that...such as Carlinville that has fourteen hundred and ninety-nine students and they do not qualify at this time, but next year, they're over the fifteen hundred, then what happens? Can they go to the higher rate at that time?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yes, they won't lose anything now, but later on they can go to the...to the higher rate, right, and then qualify, right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly may close.

SENATOR KELLY:

Mr. President,...I move to accept the Governor's specific recommendations for change with respect to House Bill 982.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 982 in the manner and form just stated by Senator Kelly. 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 49, the Nays are 5, 1 voting Present. The specific recommendations of the Governor as to House Bill 982

SB 913
Amendatory Veto

having received the required constitutional majority vote of Senators elected are declared accepted. We will now go to Supplemental Calendar No. 3...Supplemental Calendar No. 3. Senate Bill 913, Senator Maitland has requested leave of the Body to be added as a...as a hyphenated cosponsor. Is...along with Senator Poshard. Is leave granted? Leave is granted. Senator Maitland also requests leave of the Body to handle the bill in the...for Senator Demuzio. Is leave granted? Leave is granted. Mr. Secretary, Senate Bill 913.

SECRETARY:

Senate Bill 913 with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 913 is the legislation passed earlier today by the House that would allow access to those same tax rates just alluded to by Senator Kelly for those school districts whose enrollment is below fifteen hundred. Many of us in this Body for the first time ever supported this concept last Spring, all to conform with the whole educational reform package that we were passing. We felt that was...was necessary and should happen. It was not at that time a reorganization issue but rather an issue of equity only. Obviously, there has been some disagreement in the past on this. I think that disagreement now has been resolved. We've talked with those...I don't mean to imply that some of the groups don't still support their concept, but we have talked with the Governor and it's in the whole spirit of reorganization. As we've talked out in the field on the subject of reorganization, it is moving along very nicely. They're accepting the responsibility in the reorganization committees and this simply was a detriment to them. I'd be happy to respond to any questions that you might have;

if not, I would appreciate your support for Senate Bill 913.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of...concurrence of Senate Bill 913. I think that it's an important bill that got lost in the mix-up of amendatory veto language and I would urge an Aye vote on this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate concur in House Amendment 1 to Senate Bill 913. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 913 and the bill having received the required constitutional majority is declared passed.

SENATOR BERMAN:

Mr. President...Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I thought...I would like to call the attention of the Body to the fact that for the first time in history, we have a dinosaur in the press box and if the dinosaur would stand up so we could recognize the dinosaur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Democratic side too.

SENATOR BERMAN:

I think...I think the dinosaur could probably do...I think the dinosaur could probably do as good a job as some of the other people that have held that seat in that box.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Supplemental Calendar No. 3, specific recommendations for change is House Bill 257, Senator Luft. Senator Luft. (Machine cutoff)...Luft.

SENATOR LUFT:

Thank you, Mr. President. What the Governor did with House Bill 257...we got the right bill up there? Anyway...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...a moment...House Bill 257 on Supplemental Calendar No. 3.

SENATOR LUFT:

Thank you, Mr. President. What the Governor did with this bill was simply change the effective date to January 1 of '86.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 257 in the manner and form as just stated...let's take it out of the record for the time being. Take it out of the record. All right, Supplemental Calendar No. 3, I understand that the...we now have the motions that have been properly filed with the Secretary. Supplemental Calendar No. 3 is House Bill 257, and I understand Senator DeAngelis is going to be handling this motion. Is leave granted? Leave is granted. Senator DeAngelis.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 257 in the manner and form as follows. Signed, Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. It would seem rather appropriate that you...that Senator Demuzio gave his bill to Senator Maitland and now Senator Luft is going to give me his bill.

We got...we're really on a roll here. The Governor's amendatory veto does two things; one, it...it changes the effective date and, secondly, it makes some technical changes so that House Bill 257 which we passed out two weeks ago is similar in language to the areas that apply on Senator Rock's bill, 1156. So, I would move to accept the Governor's specific recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 257 in the manner and form just stated by Senator DeAngelis. Those in favor will vote Aye. Those opposed will vote Nay.. The voting is open. Senator Sangmeister. 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. The specific recommendations of the Governor as to House Bill 257 having received the required constitutional majority vote of Senators elected are declared accepted. Resolutions.

SECRETARY:

Senate Resolution 570 offered by Senator Zito. It's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Thank you, Mr. President. While we're at ease, I thought it might be a good time to call a Republican Caucus...all the Republican members would meet in Senator Philip's Office, we'll try to get in and out in just a little bit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Weaver, can we just stand at ease for one moment? I think the President may have an announcement here

on...what's going to take place for the rest of the evening. All right, the Senate will Recess until the hour of six-thirty...six-thirty. Does that give us a...chance according...to get some lunch and dinner and whatever else is out there. Senator Weaver.

SENATOR WEAVER:

Well, there will be a Republican Caucus immediately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the Senate will stand in Recess until the hour of six-thirty.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 571 offered by Senator Demuzio, Rock and all Senators.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Yes, Mr. President, I will...this is a congratulatory resolution and I will move to suspend the rules for the immediate consideration and adoption. Senate Resolution 571 is rather a historic resolution in the history of at least one of our members. It has come to my attention today that one of our members has achieved the...his...his fourth decade birthday...and the person...to whom I have directed this resolution...I know when I turned forty, how dramatic and how concerned I was that, you know, forty-one was not going to be around the corner, and I remember when I turned forty, why, there was a lot of black drape...drapings around and there was a...a...some dead...flowers that was delivered to me on the Senate Floor. Well, today happens to be the fortieth

birthday of Senator Glenn Poshard and since...since some of our members have from time to time indicated that Senator Poshard looks a lot younger, I wanted to point out today by this congratulatory resolution that he, in fact, is forty and I think the whole world should know about it and, therefore, I move you, Mr...Mr. President, to suspend the rules for the immediate consideration and adoption of this congratulatory resolution.

PRESIDENT:

All right, Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 571. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the rules are suspended. On the adoption of Senate Resolution 571, Senator Demuzio has moved its adoption. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted and Senator Poshard will have a chance to rebut on Sunday. Happy...Happy Birthday. All right, if I can have the attention of the membership, let me...or allow me to try to tell you, Senator Philip and I have just conferred a few moments ago...try to tell you where we are or aren't. The...the House has adjourned until ten o'clock tomorrow morning awaiting what will be, I hope, successful Senate action, but action that will require a vast amount of staff work and paper which we feel in all honesty could be accomplished this evening but not until much later. So, we just feel it's not in the best interest of all of us to sit here while we attempt to accommodate the paper. The plan is, as Senator Philip and I have discussed it, is to recall House Bill 568 to the Order of 2nd Reading for the purpose of consideration of a number of amendments, which number I think six at the moment, to cover the subject matter that's yet before us, which subject matter I'm sure is familiar to

everybody. In order to accomplish that, we again, have to get sixty copies of each of six amendments and sixty fact sheets and so on and so forth. It seems to us better to afford the staff a little more leisurely pace although late hours and be ready when we come in tomorrow morning. The House comes in at ten. My suggestion to Senator Philip was that we come in at nine with the understanding that we will go virtually immediately to that order of business and attempt to bring these issues to a resolution. The Governor has delayed, I'm sure you know, his trip to Japan at least until Saturday. He has changed his plane reservation and the reservation of the members who were to accompany him from Friday until Saturday. He will be here first thing in the morning and I am optimistic, as always, that we can reasonably address and conclude our business. So, if that is agreeable to the membership, I would ask you to get a good night's sleep and be here at nine o'clock. If there's no further business to come before the Senate at this time, Senator Philip moves that the Senate stand adjourned until Friday morning, tomorrow morning, at the hour of 9:00 a.m. Senate stands adjourned.