

82ND GENERAL ASSEMBLY

REGULAR SESSION

MAY 6, 1982

PRESIDING OFFICER: (SENATOR BRUCE)

The hour of noon having arrived, the Senate will come to order. The prayer today will be by Rabbi Fischhoff of Springfield, Illinois. And will our guests in the galleries please rise.

RABBI FISCHOFF:

We start appropriately...with a few moments of meditation with a quotation from the great book of Psalms, "This is the day which the Lord hath made, let us rejoice and be glad in it." How are we to properly rejoice and be glad in this new day appropriate for our effort and our dedicated labor? Emerson, our great American philosopher, has defined prayer as the contemplation of the highest values of man viewed from the highest possible perspective. In other words, prayer is not an activity of the tongue or the lips, it is essentially an effort of the mind to understand more deeply the nature of the world in which we live, and hence, the nature of the obligations which are imposed upon us. And so we begin a new day going to our various efforts, plumbers, farmers, teachers, legislators, physicians, lawyers, judges, the great variety of human activities which are necessary for the continuation of the social fabric. All of us have abilities, all of us have capacities for achievement, all of us have that which prevents our fullest amplification of our activities and fulfillment. We have pride and envy and overweening ambition and selfishness, the composite of which preclude our reaching our highest level of moral understanding and ethical commitment. As you start your labors today, to indulge in activities necessary for the maintenance of our State, may you be fully aware of your responsibility and the possibilities of your achieving a place for yourselves in history, if properly you resist those underlying motivations which prevent us from reaching our full fulfillment. Now then, "It hath been told thee, oh man, what is good and what the Lord

doth require of thee," so asks the prophet Micah. And he answers, "Only to do justly, and to love mercy and to walk humbly with thy God." Remember those, do justly and love mercy and walk humbly with God. Let not the pride of office or the vault of ambition, or the obliviousness to those who are in need ever leave us. Let us always be prompted by these highest motivations. As we begin this day, behold here hath been dawning another blue day, think wilt thou let it slip useless away? Let us then to our responsibilities and our effort and may your work today be truly blessed. Amen.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

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

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR GEO-KARIS:

It's my pleasure to introduce to this august assembly a Gentlemen by the name of Charles G. Tisckos, a resident of Sangamon County, a friend of Senator Davidson, and a friend of Senator Savickas and of our Sergeant-at-arms, Joey Mack, but who was one of my colleagues in the Navy in World War II and who served as an officer in the South Pacific in the battles of the Philippines like Okinawa and the occupation of Japan. I hadn't seen...Mr. Tisckos for years, but I'd like everybody to welcome him here. He's setting in the President's gallery, Charles Tisckos.

PRESIDING OFFICER: (SENATOR BRUCE)

Will our guest please rise and be recognized by the Senate. Senator Nimrod, for what purpose do you arise?

SENATOR NIMROD:

Thank you, Mr. President. I would just remind the members today that since we did have the opening prayer, which

was well...well presented, I think we ought to know...recognize today, also, that President Reagan has set aside this day as the World Day of Prayer.

PRESIDING OFFICER: (SENATOR BRUCE)

Reading of the Journal.

ACTING SECRETARY: (MR. FERNANDES)

Thursday, April 29, 1982, 11:30.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nega.

SENATOR NEGA:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to approve. Are there additions or corrections? On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. Motion to approve is adopted. Senator Nega.

SENATOR NEGA:

Mr. President, I move that reading and approval of the Journals of Monday, May the 3rd; Tuesday, May the 4th; and Wednesday, May the 5th, in the year 1982 be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR BRUCE)

Heard the motion, discussion? All in favor say Aye. Opposed Nay. The Ayes have it. The motion is adopted. Committee reports.

ACTING SECRETARY: (MR. FERNANDES)

Senator Berman, Chairman of the Committee on Elementary and Secondary Education, reports Senate Bill 1577 and 1597 with the recommendation the bills Do Pass. Senate Bills 1490 and 1520 with the recommendation the bills Do Pass as Amended. Senate Bills...1314 and 1486 with the recommendation the bill Do Not Pass as Amended. House Bill 497 with

the recommendation the bill Do Pass as Amended.

Senator Newhouse, the Chairman of the Committee on Higher Education, reports Senate Bills 1360 and 1503 with the recommendation the bills Do Pass. Senate Bill 1358 with the recommendation the bill Do Pass as Amended.

Senator Netsch, the Chairman of the Committee on Revenue, reports Senate Bill number 1267, 1290, 1366, 1430, 1436, 1521, 1538, 1539 and 1607 with the recommendation the bills Do Pass. Senate Bills 1264, 1265, 1266, 1289, 1299, 1319, 1321, 1329, 1537, 1540 and 1621 with the recommendation the bills Do Pass. Senate Bill 1600 with the recommendation the bill Do Not Pass. Senate Bill 1494 with the recommendation the bill Do Not Pass as Amended.

Senator McLendon, the Chairman of the Committee on Judiciary I, reports Senate Bill 1449 with the recommendation the bill Do Pass. Senate Bills 1296, 1588, 1447, and 1671 with the recommendation the bills Do Pass as Amended.

Senator Chew, the Chairman of the Committee on Transportation, reports Senate Bill 1559 and 1651 with the recommendation the bills Do Pass. Senate Bill 1202, 1272, 1558, 1601 and 1681 with the recommendation the bills Do Pass as Amended.

PRESIDING OFFICER: (SENATOR BRUCE)

Messages from the House.

ACTING SECRETARY: (MR. FERNANDES)

A Message from the House by Mr. Leone, Clerk.

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

House Bill 468. Passed the House May 4, 1982.

Anthony J. Leone, Clerk of the House.

A Message from the House by Mr. Leone, Clerk.

Mr. President - I am directed to inform the Senate

that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 1651, 2038, 2125, 2250, 2361, 2408, 2409, 1054, 1055, 1070, 1071, 1073 and 1075. Passed the House May 5th, 1982. Anthony J. Leone, Clerk of the House.  
PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 503, offered by Senators Nash, Rock, Carroll, and all members. Congratulatory.

Senate Resolution 504, Senator Savickas and all members. Congratulatory.

Senate Resolution 505, Senator Demuzio and all members. Congratulatory.

Senate Resolution 506, offered by Senator Berning. Congratulatory.

Senate Resolution 507, Senator Berning. Congratulatory.

Senate Resolution 508, Senator Berning. Congratulatory.

Senate Resolution 509, Senators Hall, Rock and all Senators. Congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar.

ACTING SECRETARY: (MR. FERNANDES)

Senate Joint Resolution 89, offered by Senator Mahar, Ozinga and DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Executive Committee.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 510, offered by Senator Gitz, Rock and all members. Congratulatory.

Senate Resolution 511, offered by the same sponsors. It's congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar. Leave to go to the Order of House Bills 1st Reading? Leave is granted. House Bills 1st reading. If there are any bills on the Calendar that you would like to pick up, please notify the Secretary. We would like to read them today so that we might have them in the Rules Committee and move the bills along. But the Secretary will read those bill that have already...that already have a Senate sponsor.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 327, Senator Buzbee.

(Secretary reads title of bill)

1st reading of the bill.

Senate Resolution 658, Senator D'Arco.

(Secretary reads title of bill)

1st reading of the bill.

Senate...Senate Bill 1889.

(Secretary reads title of bill)

1st reading of the bill.

Senate...House Bill 1938, Senator Nedza.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2044, Senator Gitz.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2056.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2075, Senator Gitz.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2169, Senator Davidson.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2175, Senator Kent and Demuzio.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2182, Senator Vadalabene.

(Secretary reads title of bill)

1st reading of the bill.

2263, Senator Sangmeister.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2310 by Senators Grotberg and Netsch.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2314, Senator Mahar.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2342, Senators Berman and Bowers.

(Secretary reads title of bill)

1st reading of the bill. 1st reading of the bills.

1921, Senator Gitz.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Johns arise?

SENATOR JOHNS:

I'd like to be shown as a hyphenated co-sponsor of House Bill 327.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. A point of personal privilege. Seated in the gallery to the rear is the Civics Class from Perry High School in Perry, Illinois, with their teacher Rick Parker. And I'd to have them to be...to stand and be recognized by the Senate, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests please rise and be recognized.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1321...Senator Gitz.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to take House Bill 1921 out of the record?

Leave is granted. Take it out of the record.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1321, Senator Gitz.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Berman arise?

SENATOR BERMAN:

Thank you, Mr. President. As to Senate Bill 1597, Senator Buzbee is shown as the principle sponsor. I would ask for leave to...with his permission to be shown sponsorship of Berman-Buzbee.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. For what purpose does Senator Jeremiah Joyce arise? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I ask leave of the Body to go out of the regular order of business to go to motions to discharge. I filed a motion in writing to discharge from the Executive Committee House Bill 57.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? There's objection being made. Leave is not granted.

SENATOR JEREMIAH JOYCE:

Roll call, please.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...what purpose does Senator Philip

arise?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know...it would certainly appreciate some kind of an explanation of what were trying to do here. It certainly...

PRESIDING OFFICER: (SENATOR BRUCE)

The Chair...the Chair is about to apprise the membership. Senator Joyce has filed a motion to discharge the Committee on Executive from further consideration of House Bill 57 and asking that the bill be placed on the Order of 2nd Reading, and he sought leave of the Body to go to the Order of Motions in Writing. That request was denied. He is now seeking leave to suspend the rules to go out of the ordinary order of business to go to the Order of Motions in Writing...you've requested a roll call. All right, the question is, shall the Senate suspend the rules and go out of the ordinary order of business to motions in writing. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. It will require thirty affirmative votes. Have all voted who wish? ...have all voted who wish? Take the record. On that questions, the Ayes are 27, the Nays are 10. The motion...to suspend the rules to go out of the ordinary order of business is lost. For what purpose does Senator Johns arise?

SENATOR JOHNS:

Mr. President, just checking on the order of business, but on the Secretary's Desk, on page 13, House Bill A654, Alstat-Johns. I'd like to move that...I...I refused to recede from the change and I'd like to have Conference Committee reported...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Johns, I hope we can get to Secretary's Desk later on today. We'll...we'll get you back so you can start your Conference Committee work. Channel 20...if I might have

the attention of the Body, Channel 20 sought leave to shoot film. Is there leave? Leave is granted. Well, be on your toes. Is there leave to go the Order of Senate Bills 2nd Reading? Leave is granted. On page 2 of your Calendar is Senate Bill 112 and I'll call the sponsors out, the first...1212, Senator Maitland, the Judiciary Committee with Senator Sangmeister, Senator Philip, Senator D'Arco, Senator Berning, Grotberg, Taylor, Friedland, Joyce and Collins. If those Senators will be ready with their amendments we will be able to move along in an expeditious manner. Senate Bill 1212, Senator Maitland. Senator Maitland, serial numbers on farm equipment. 1231, Senator Sangmeister. Senator Sangmeister...may we have some order please...guidance, care and custody of minor children, committee bill. Senate Bill 1280, Senator D'Arco, has one committee amendment. Senator D'Arco, do you wish it read?

SENATOR D'ARCO:

Yes, you can read it.

PRESIDING OFFICER: (SENATOR BRUCE)

Okay, read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1280.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The amendment is the substance of the bill, and this is the compulsory insurance bill that was before the Senate Insurance Committee. It provides a mechanism whereby every vehicle in the State of Illinois in order to obtain their registration for license plates will have to be insured by a...a insurance company in order to

obtain that registration certificate. We discussed this very thoroughly, there are penalty provisions in the bill in the event that a person driving a vehicle and owning that vehicle is not insured by a...by an insurance company, and we provided a mechanism whereby the Secretary of State would be able to verify the fact that a person was insured. The question of verification seemed to be the important issue before the committee, and we felt that...before the fact verification was necessary in order for this provision to be enforceable. And I would move to adopt Amendment No. 1 to Senate Bill 1280.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is adopt Amendment No. 1 to Senate Bill 1280. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No amendments from the Floor.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill...1318, Senator Berning. Senator Berning. Senate Bill 1324, Senator Grothberg. Senate Bill 1368, Senator Friedland. 1379, Senator Jeremiah Joyce, medical expenses of prisoners. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1379.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Local Government offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce to explain Amendment No. 1. Take it out of the record. Is there leave? Leave is granted. Senate Bill 1383, Senator Collins. 1401, Senator Weaver. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1401.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Appropriations I offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

I think that amendment adds a dollar to each line item in the appropriation bill. I move its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt the Committee Amendment No. 1. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senator Bower, did you wish to...all right. Senate Bill 1487, Senator Maitland. 1492, Senator Marovitz, radiological accreditation. 1496, Senator DeAngelis, workmans comp. 1500, Senator DeAngelis, juvenile justice. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1500.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Public Welfare...Public Health, Welfare and Corrections offers two amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis on Committee Amendment No. 1.

SENATOR DeANGELIS:

Thank you, Mr. President. Committee Amendment No. 1 redefines some of the goals and some of the terms of the new program.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Committee Amendment No. 1. On the motion, discussion? All in favor say Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee...Amendment No. 2, Senator DeAngelis.

SENATOR DeANGELIS:

Committee Amendment No. 2 is merely a technical amendment. It...it capitalizes the word "State" and decapitalizes the word "general".

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Committee Amendment No. 2. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 2 is adopted. Further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 3 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 3 is a technical amendment. It changes the word "volunteer groups" to "volunteers" and "may" and...to "who" and "covenant" to "contact".

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 3. On the motion, all

in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further Floor amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1501, 1502 hold. 1522, Senator Carroll, hospital services fifteen day, hold. 1523, Senator Carroll. 1526, Senator Nega. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1526.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1528, Senator Carroll. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1528.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Appropriations I offers two amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll to explain Amendment No. 1.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a technical amendment on the Federal funds bill to solve another of those problems that has arisen. I would move adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt the amendment. All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted.

Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a request of the Comptroller on unused cash advances from the Federal Government. I would move adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt. All in favor say Aye. Opposed say. The Ayes have it. Amendment No. 2 is adopted. Further committee amendments?

ACTING SECRETARY: (MR. SECRETARY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1529, Senator Carroll. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1529.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Appropriations I offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll on Amendment No. 1.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is to change the effective date to July 1, 1983, and I would move adoption of the amendment.

SB 1590  
2nd Reading

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 1. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1534, Senator Netsch. Senator Netsch on the Floor? 1560, Senator Berman. Senate Bill 1566, Senator Etheredge. 1590, Senator Demuzio. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1590.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Bowers.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bowers is recognized on Amendment No. 1.

SENATOR BOWERS:

Thank you, Mr. President. Amendment No. 1 simply adds liability insurance proceeds as one of the compensating factors that would eliminate or reduce any money due under this particular Act. It was discussed in committee and Senator Demuzio agreed in committee that we could put it on. Although it is not a committee amendment, I think the committee approved the idea, and therefore, I move adoption of the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 1. Discussion of the motion? All in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No...no further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1593, Senator DeAngelis. 1609, Senator Egan. Senate Bill 1613, Senator Newhouse. Senate Bill 1614, Senator Bloom. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1614.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Public Health, Welfare and Corrections offers one amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom to explain Amendment No. 1.

SENATOR BLOOM:

Yes, thank you, Mr. President and fellow Senators. This bill directs the Department of Registration and Education to set out standards and criteria for the rules they adopt for the Medical Disciplinary Board. The committee felt that we should add further language, getting more specific into standards and criteria. I know of no objection and would seek its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 1. Discussion of the motion? All in favor Aye. Opposed...Nay. The Ayes have it. Amendment No. 1 is adopted. Further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No amendments from the Floor.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. 1624, Senator D'Arco. 1632, Senator Taylor. 1654, Senator Schaffer. All right. 1656, Senator

AB 1305  
3rd Reading

Maitland. 1657, Senator Bloom. 1658, Senator Coffey. Senate Bill 1670, Senator Schaffer. For what purpose does Senator Rock arise?

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If I can have the attention of the members. Senator Philip, and the Speaker, and I and the Governor have been in some consultation most of the day. It appears that the General Assembly will be in Session tomorrow. There are a couple of unresolved issues that we simply have to stay for. So I would suggest that we will, for those of you who have to make arrangements at the hotel, the Senate will, as of this moment, be reconvening tomorrow morning at nine o'clock, and we will work the balance of the afternoon on the Calendar, and the negotiations, I can say, are continuing, but at the moment they appear to be unresolvable.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, is there leave to go to the Order of Senate Bills 3rd Reading? And maybe we'll go right on through the Calendar and pick up...for those of you who have concurrences, we will also get to the Secretary's Desk on the Order of Concurrence. And, Senator Johns, we will probably also get to the nonconcurrences, also, on the Secretary's Desk. All right. Senate Bills 3rd Reading, first five sponsors will be Senator Berman, Sangmeister, Maitland, Lenke and Lenke. So, Senate Bill 1242, Senator Berman. Senate Bill 1302, Senator Sangmeister. Senate Bill 1305, Senator Maitland. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1305.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1305 is the...the Drug Paraphernalia Control Act. You might recall, the...the bill is the same bill that we had last year as Senate Bill 42 which was lost in...in Judiciary II Committee of the House. The bill effectively eliminates the head shops in the State of Illinois. It deals with the commercial trafficking of drug paraphernalia and I would seek its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is on the passage of...is there discussion. Well, that's what we're trying to get. Senator Buzbee.

SENATOR BUZBEE:

Thank you, I am certainly in favor of closing down the head shops where at all possible and...and attempting to stop the sale of paraphernalia that's used in the consumption of drugs. Let me ask once again, Senator Maitland, is this object I have in my hand right here, the pipe that I smoke, would that be an illegal purchase? Never mind, I...it's just...the object itself. Is this an illegal object under your bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Senator Buzbee, I will respond, as I did one year ago when we debated this bill, that item is clearly exempt in Senate Bill 1305.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

Well, let me ask one more question. In my area and I suspect in your area, also, Senator, there are some folks who still consume tobacco products with a package of Bull

Durham and a...and a roll of cigarette papers. Would cigarette...cigarette papers obviously are used in the consumption of other types of...of smoking products. Would cigarette papers be exempt or would...they be illegal under your...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Senator Buzbee, in the Senate Bill 1305 cigarette papers are clearly exempt.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for question? Is...

PRESIDING OFFICER: (SENATOR BRUCE)

Okay, Senator Geo-Karis.

SENATOR GEO-KARIS:

...is this bill tailored after the successful...law that was...up held by the Supreme Court of the United States, Senator Maitland?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Senator Geo-Karis, I'm advised that it is probably more constitutional.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of the bill. The time has come that we have to do something very constructive to prevent the absolute destruction of our young people on the part of drugs.

PRESIDING OFFICER: (SENATOR BRUCE)

Have order, please. Senator Maitland...further discuss-

sion? Senator Maitland may close.

SENATOR MAITLAND:

Thank you, Mr. President. Would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1305 pass? Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. Senate Bill 1305 having received the required constitutional majority is declared passed. Senator Lemke on 1344. 1367, Senator Lemke. 1369, Senator Jerome Joyce. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1369.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. This...this Act conforms the Fire...Protection District Act to the Corrupt Practices Act by exempting a fire protection district trustee, who owns...less than seven and a half percent interest in a local bank or savings and loan association from a prohibition against being involved financially in a fire protection district contract with his bank or savings and loan. What it amounts to is...is this, in a small town many of these bankers are on the...are fire...trustees and this just conforms this Act with the rest of the Corrupt Practices Act.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is,...Senator Berning.

SENATOR BERNING:

SB 1384  
3rd reading

Just...just a question of...of the sponsor. Why restrict this to fire protection districts? Are there not the same prohibitions currently in effect for say, school board members or township officials or county board members?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, as it is explained to me, many other officers are in this...this same boat and...but fire protection...the Fire Code was different in the Corrupt Practices, and this just brought it in. There are many areas where they...they are allowed to do this now.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Question is, shall Senate Bill 1369 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, 1 Voting Present. Senate Bill 1369 having received the required constitutional majority is declared passed. Senate Bill 1377, Senator Savickas. 1384. Is there leave for Senator Nedza to handle that bill in Senator Rock's absence? Leave is granted. Senator Nedza. (Machine cutoff)...bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1384.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, the only change in the bill is...inserting the word "attempting to serve." It's a bill that is brought about due

to recent legislation in the recent class action suit, which was heard in the County of Cook. This only applies to the County of Cook, the only impact upon it. And what it does is it provides for the sheriffs to collect fees for attempted service in which is the word inserted into the bill, no other substantive changes are made in bill, and it is necessitated because of class action litigation with reference to the deputy sheriffs attempting to serve writs and what have you out of the County of Cook. Is there any questions, I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Rhoads.

SENATOR RHOADS:

Couple of questions. First of all, Senator Nedza, I assume Sheriff Elrod is in support of this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Yes, he is.

SENATOR RHOADS:

All right. Secondly, the...what are the cost implications for the Cook County budget? Is there any estimate on that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

The cost that they could incur is one million six hundred thousand dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

What constitutes an attempt?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

The attempt, I would...I would imagine, not being a process server, but the attempt, as I would define it, would be going out to find a specific individual to serve him with whatever piece of paper I had to serve him with. And if he was elusive...I could not find him in person, therefore, I would have the attempt of securing the service of which I was mandated to do, but by not finding the body in himself, I would not be able to, but I could substantiate the attempt in order to do that. I...it would be in the vernacular of how you arrive or differ in that attempt, and I think we're fifty-nine here, we'd probably have fifty-nine different...opinions.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Well, Senator Nedza, I can understand the problem as it relates to a class action, but let's...let's take an individual action now. I'm the process server, I'm...at the beginning of the day I'm given five assignments, or eight, or ten or fifteen assignments, whatever happens to be my daily case load, and I spend the whole day driving my car around the suburbs from...from, point to point, and at the end of the day I turn in my logsheet to show where I have been during that day. Now, what...what is it that substantiates the attempt, merely the fact that I have been out in the field that day attempting to locate people?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

There again, it would probably...we would be dealing in semantics, but what I would say is, that if you were the process server, and you were coming to my home, and if I was not there, you would give it to a member of my family or you

would give it to whoever opened that door, be it someone who is in the premises, and you would assume that they belonged in that premises. There again, you would have the attempt to serve me.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Well, the problem I'm trying to illustrate here is one of out-and-out goldbricking. Now, let's say that...you're saying that you do have to give...give it to someone, to some individual, you can't come back at the end of the day and still have them in your possession. Is that what you're saying?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

I'm sorry, Senator, but would you repeat the question.

SENATOR RHOADS:

...if somebody drives out at nine-fifteen and stops at the coffee shop and spends the rest of the day there and then returns to the office at four-fifteen, what...how do we know that they have, in fact, been out there making these attempts? Where as with...under the current system, we do know that...somebody has actually been served.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Well, I...I can understand your concern, it's probably a concern that everyone would have, but I would also point to the fact that there are probably an inequities in every phase of occupation or profession, the supervision that is...that is also given to these particular individuals, I would have to trust somewhat in that. That's not to say that Senator, that there could not happen that particular instance or

instances, but I would still have some faith in people as they take whatever position, that they would go out there and try to do their best in them, as we try here.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads, have you concluded? All right, Senator Walsh.

SENATOR WALSH:

Mr. President and members of the Senate, there are many instances where Cook County should be treated differently from downstate counties, but I do not think that this is one of them. If completed service is necessary in downstate counties in order to have the sheriffs charge his fee, I think that completed service should be necessary in Cook County in order for the Sheriff to collect his fee. And I really think it's...it's amazing that the Sheriff of Cook County would come to the General Assembly and...and ask us to see that he's paid for not doing his job. I think this is a bad bill and should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berman.

SENATOR BERMAN:

I think there's been some confusion raised here that I don't think really is justified by the bill. What is being sought to done is what the pratice has been in Cook County as long as I can remember. You are charged a fee when you place the...the summons with the sheriff. The court decision said that although you are paying a fee when you place the...the summons with the sheriff, the way the Statute read, you...should have only been paying for the service being made by the deputy sheriff, not for placing the summons. What this bill tries to do is to conform the Statute with the established practice, which means that you're paying for the deputy sheriff to go out and try, and many times succeed, in making service of that document, but that if he doesn't

succeed he has still gone out, it has still cost the tax-payers money for his salary to go out there, and you're paying for that attempted service. It's a clarification of the establish practice. I don't see any big problem with it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Nedza may close.

SENATOR NEDZA:

Thank you, Mr. President...Senator Berman made a good point because all that is concerned here is the three dollars which is the filing and recording fee, which is the advanced fee, and that's the only thing that we're...we're addressing ourself to is that three dollars. So there is no other...and that, whether it answers Senator Rhoads, Senator Walsh, is whether the individual was to drive through the suburbs or sit in the coffee shop, that three dollars has already been utilized by the...the fact of the individuals in the sheriff's office filing it, recording it and doing the paper work in order to have that piece of paper go out to that particular individual. I would like to ask for your favorable consideration on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Question is,...Senator Lemke, did you..he was closing. Okay. The question is, shall the Senate Bill 1384 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays...on that question, the Ayes are 37, the Nays are 15, 2 Voting Present. Senate Bill 1384 having received the required constitutional majority is declared passed. Senate Bill 1387, Senator Sangmeister. 1388, Senator Vadalabene. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1388.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1388 appropriates four...million dollars to the General Revenue Fund to the Department of Veterans' Affairs for Veterans' Scholarships as state control colleges, universities or community colleges in Illinois. The department was short one million eight hundred thousand dollars in this line after paying out six million five hundred thousand in Fiscal '81. Senate Bill 253 which is Public Act 82-0551 required the department to first pay out of it's Fiscal '82 appropriation all monies owed to the institutions that had...had participated in this program in Fiscal '81. And second, to prorate the balance of his...appropriations to those institutions participating in the program in Fiscal '82. And because of this second provision, State colleges in Fiscal '82 will receive only forty-nine to fifty percent of the amount due them and this supplemental appropriation will fill this gap and bring the payments up to one hundred percent. There are seventy-two colleges, universities and community colleges that are affected in this bill. I don't believe there is a legislator in this House who is not affected by this shortfall, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Mahar...Mahar.

SENATOR MAHAR:

Thank you, Mr. President, members of the Senate. I rise in support of this legislation, but along with that I wanted

to make a comment to Senator Vadalabene and others. Last night I attended a combined Veterans' dinner out on the east side of town. It just seemed to me that there was a lack of attention in the part of the Veterans' that we have a two party system in Illinois. It seemed to me that all those who got the accolades were from one party, and I always thought that Veterans' affairs and Veterans' legislation was a...was a two-party...two-party thing. And Senator, I would hope that you would tell the combined Veterans' that there are a few of us over here that support their activities as well as on that side of the aisle.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion of the bill? Senator Schaffer.

SENATOR SCHAFFER:

Well, in line with Senator Mahar's comments, I guess...I happen to agree with Senator Vadalabene, I think our termination of that scholarship program the way we handled it was one the sleazier things we've ever done. But I do feel called upon to at least mention to the Body that this is an unbudget item in a very difficult financial year and I just can tell you it's money to the universities, it's not to the individual kids. I'm not at all sure it isn't a moral debt. It's a tight year, it's not budgeted, let your conscience be your guide.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Senator Sam, just for my edification, perhaps I was...could you just tell me what a military scholarship is.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

That's a...a scholarship that's afforded...this comes from...it's from the Veterans' Affairs, and it's an incen-

tive scholarship, and I think in regard to the National Guard...if you join the National Guard and you're in there for one year, then you're ineligible for one of these scholarships and so forth. I'm not prepared to...to give you the definition, but I'm sure that Senator Buzbee can.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

Well, first of all, the Illinois Veterans' Scholarship is a scholarship that was established sometime probably back in the '20's or perhaps, I know it has been in effect for sure since 1946, I'm positive about that far back, but further than that, I'm not sure how sure it was. What it said was simply that any resident of the State of Illinois who...who was a resident of the State of Illinois when they went in to the military, when they came out of the military with a...an honorable discharge or a discharge of that type, could go to any public supported university or...or community college in this State and the State of Illinois would pay their tuition. Through legislation, as Senator Schaffer said earlier,...and probably one of the sleazier things this Body has ever done...it was snuck through at the eleventh hour last year of eliminating that scholarship. What Senator Vadalabene's bill does is for...and by the way, we eliminated this scholarship effective for anybody who went in the military after 1975, they would no longer be eligible for the military scholarship. But there are still students in universities and community colleges in this State who went in prior to 1975 that are still eligible for the Veterans' Scholarship. What Senator Vadalabene's bill does is it makes up the amount of money that has not been available to pay for the balance of those scholarships. So what's been happening is, in some cases, colleges and universities have simply been telling the Vets, there is no money so therefore you don't have a scholarship

even though it was...they are still eligible under the current Statute. There are other colleges and universities who have said, there's no money, but the State promised you the scholarship and we're going to go ahead and let you come in and assume, play like you have a scholarship. So what they have been doing is they have been eating those funds internally. They have been providing the scholarships to those that were still eligible. Now separation of the question from our elimination of the Veteran's scholarship last year. Senator Bruce has a bill, which I have an amendment prepared for and he has agreed to accept, that would reinstate the Veteran's Scholarship at some point later on, but that's got nothing to do with Senator Vadalabene's bill at the moment. Senator Vadalabene's bill is simply to pay for those students who are still eligible under current Illinois Statute so they can receive the...the Veterans' Scholarship that they are eligible for.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis.

END OF REEL

REEL #2

PRESIDING OFFICER: (SENATOR BRUCE)

I'm sorry, Senator Marovitz.

SENATOR MAROVITZ:

Just...just to clarify then, so these are all former military personnel...former...former members of the military?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

That...that is correct. Every male or female who went in...who was an Illinois resident, who went into the military, came out and went to a public... community college or university in this State with...they've got to have a...I've forgotten the exact type of discharge, but it cannot be a dishonorable. If they got a dishonorable, they wouldn't be eligible for it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nimrod.

SENATOR NIMROD:

Yeah, a couple of questions I'd like to ask. I thought it was fairly well clarified, Mr. President. One is, this bill has nothing to do with the National Guard...or these funds have nothing...nothing to do with the scholarship we provided for those in National Guard?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, who wants...Senator Buzbee.

SENATOR BUZBEE:

You are correct, Senator. It's an entirely separate appropriation, entirely separate scholarship.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod.

SENATOR NIMROD:

Then this would also have nothing to do with those scholarships that we provide for those children of those who made the supreme sacrifice?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR BUZBEE:

That is correct, also.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nimrod.

SENATOR NIMROD:

...seems to me then, that what we're doing here is that we provided those kinds of incentives and scholarships without having the knowledge that we...everyone automatically who served one day, one year, or whatever time it was and received an honorable scholarship, even though the GI Bill of Rights stopped and everything else, we still had what I guess we call the Illinois Bill of Rights kept going on. All you do is serve and you could get a scholarship, which I think was a...certainly a provision that I was unaware of, and I have been very, I thought, very informed and involved in...in...in Veteran privileges and affairs. It's disturbing to me that we would have had such a blanket operation and I...I...I think the issue right now is about paying those...for those schools where they're addressed. And I know you're saying that other bill is going to be coming, but I would hope maybe what we ought to do is take this out of the record and decide what we're going to do on this whole issue and make a one-time decision. But you see, if we're going to start fighting to continue this, I'm certainly not going to support this bill. But if we're going to stop this practice and...and rectify the...the problems and the errors, that might be a different situation. So, even though they're two separate issues, I think they are directly related and interconnected, and I don't want to get off on

taking a position on one bill where I really think there's some question about continuing this kind of a practice.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, thank you, Mr. President. To further add to the confusion, and I'm not speaking on...in support or against the bill, but I think I ought to enlighten the Body on a few other things. One, is that the Department of Veterans' Affairs cut a deal last year to take part of this year's appropriation to take care of the short-fall for last year. Now, that was alright, except that when it was determined by the Attorney General's Office that these scholarships were going to be paid for by the institutions, I think the Department of Veterans' Affairs became a little less concerned about the supplemental appropriation, because the real people that are going to get stiffed on this thing are the colleges and universities. So, I don't think the issue of whether we continue this program or not is an issue. The fact is that the State of Illinois said that these people are eligible, and that they, in fact, shall be given a scholarship, and these people went to school, and when the money ran out the schools came back and the Attorney General ruled that although the State had the obligation, the fact is the universities would still pay for it. So, with that confusion, you can go ahead and vote any way you want to.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, I rise in support of this bill. All we're doing is making good an obligation which we had assumed many years ago, and we changed the law in the middle of the stream. Whether the money goes to the colleges, that's true, but the college was honoring an obligation they had and a contract

with that Veteran who was a student, whomever they were, at a public university. And it's nothing more than we assume the responsibility which that State institution, which also is one of our creatures, assume because they had that student enrolled. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Vadalabene may close.

SENATOR VADALABENE:

Yes. Just briefly to...to put Senator Mahar's bi-partisan fears to rest. I'm not responsible for what a House member does in one of those meetings, but I know that we show responsibility over here in the Senate. I...when I was up to speak, I acknowledged the regrets of our President, Senator Rock, I acknowledged the regrets of the President of our Minority Leader, Senator "Pate" Philip, and one of the persons who got the loudest round of applause, unless you don't want him anymore, is the former Senator Robert Mitchler. Now, you know, Senator Mahar, what Larry Diprima, and however he, you know, addresses himself, and how you feel that the Veterans...if they're for one party or the other, you know, I can remember when the Veterans of Foreign Wars endorsed the Republican President. You know, I don't like to get our Veterans into who's a Democrat and who's a Republican. We all fought in these wars, there was no distinction at that time, and I hope you don't bring that kind of a comment to the Floor of the Senate, where we act in dignity and we respect our comrades regardless of what party they're from. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1388 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 14, 2 Voting Present. Senate Bill 1388 having received the

required constitutional majority is declared passed. Senate Bill 1390, Senator Sommer. 1392. 1438, Senator Berman. Senate Bill 1479, Senator Carroll. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1479.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman. Oh, Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, thank you. Mr. President and Ladies and Gentlemen of the Senate, as you read last week in the Sun Times Editorial, this is the State Comptroller's field audit bill, and as they so well explained, the issue is whether or not the elected Auditor has the right to go in as the Comptroller if he sees something on a voucher presented to him and actually question that before hand, rather than having to pay it and hope that the Auditor General finds it later. Now, the Comptroller's examinations would include hearings, or field audits, or whatever. There is the safeguards that are in here, that if the Comptroller postpones the drawing of a warrant for more than three working days, he must inform the chief executive officer of the agency in writing for the reason the warrant has not been issued. At that point, the chief executive officer, as a designee, may file an affidavit with the Comptroller responding to those written statements and certifying that the transaction was pursuant to law. This will then draw the warrant. I think the issue, as identified in the Times, is we should not be spending money inappropriately, and we should give the Comptroller the type of power that in any private agency, private corporation, a comptroller would have, something comes across his desk that doesn't look like it's within budgetary

SB 1479  
3rd Reading

restrictions, it's within constraints, he has the power to question it. The director has the power to overrule that by merely saying so. I think this is effective government, especially in today's times of tight fiscal constraints, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. At the risk of getting a Walter Jacobson type rebuttle from Senator Carroll, I rise in opposition to this bill. This bill goes way beyond what the Constitution intended the Comptroller to do. Senator Carroll, you did leave out a few things on your bill. One, the...the Comptroller is allowed to make a field audit, he's allowed to hold a public hearing, he's allowed to come as close to conducting a Grand Jury investigation on a warrant as anybody possibly can. There is sufficient language to preclude the Comptroller from issuing a warrant in the current Constitution and Statutes, and I don't see why this is necessary except to give some authority to a constitutional office...officer to conduct some type of harassment, or to, in fact, cover up some error made in his own office. I urge every member of the Body to vote against this bill. It goes far, far too far.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President and fellow members. One of the propositions that came out in the executive committee hearing was that this is not a new bill, that it was also attempted by the first Comptroller, and that this is a repeat of that event all designed and turned down by this Body consistently. Mr. Lindberg wanted these powers and they were denied him under the Democrat Senate, and now the Democrats have a Comp-

troller and they want it and it'll probably fly out of here. But it doesn't change a thing. It takes it way beyond the realm of the constitutional intent of the...Office of Comptroller, which is simply a job to count the money and account for it and then retrospective rather than prospectively find it. But the politics of this bill should be laid right out in the open, and we are guilty as charged, when we had the office, you are guilty as charged now. Let's not get our head in the sand and open up some more Grand Jury attempts, give everybody the investigative power to investigate everybody. The taxpayers are paying millions now for those responsibilities under the Office of the Attorney General and the Auditor General. I recommend a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I can understand Senator Carroll bringing forth this bill with the incumbent to have a State-wide Grand Jury bill for the Comptroller's Office, but I caution the members of the other side of the aisle. Can you imagine Cal Skinner with all these powers and what will happen? And...and what might be depicted as a blessing today, could be a blessing in disguise tomorrow, and maybe this ought to go back to the Rules Committee 'til we look at the outcome of the election.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Senator Totten has given me something to think about. Can I take the bill from the record?

PRESIDING OFFICER: (SENATOR BRUCE)

Is there...Senator...Senator Carroll you want...is there leave to take the bill from the record? Leave is granted. For what purpose does Senator Etheredge arise?

SB 1488  
3rd Reading

SENATOR ETHEREDGE:

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

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR ETHEREDGE:

I have a group of honor students in the President's gallery from Thoapson Junior High School in Oswego, Illinois, under...and they are accompanied by my friend Tom Fletcher, who's a member of the faculty. I'd like to have them stand and be recognized, please.

PRESIDING OFFICER: (SENATOR BRUCE)

Will they please stand and be recognized by the Senate. Senate Bill 1488, Senator Berman. I think I recognize the difference between you and Senator Carroll now. Senator Berman. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1488.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 1488 recognizes and approves a longstanding and widely used practice by Illinois financial institutions to serve their customers by acting as both the trustee of land trusts and also as a creditor with a security interest in that same trust. The bill is essential because of a recent decision earlier this year by the Illinois Supreme Court that has caused considerable doubt and confusion as to the law of Illinois concerning the rights and duties of financial institutions which serve in a dual capacity as land trustee and secured creditor. The bill codifies the legal custom and practice in Illinois by declaring that the rights and duties of such financial institutions

are not affected by the fact that they serve as both land trustee and secured creditor. The bill declares that there is no breach of trust simply because the financial institution acts, or acted, as both the land trustee and the secured creditor. And the bill will make clear that there is no liability for damages, and that there is no obligation to return...property purchased by the creditor at a public sale simply because such financial institution exercised its rights and remedies generally available to all creditors in this State. This bill gives reassurance to the...both financial institutions and their land trust customers that Illinois law has not been changed concerning their respective rights and duties. This assurance is provided not only for future transactions but also for transactions existing on the effective date of this legislation, as well as transactions which are subject to pending court action, and transactions which have been closed out before that date. I would solicit your favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Yes, for purpose of the record, since this bank that was the subject matter of this suit is in my area, some things for the record to clarify further the court opinion, and that is questions of the sponsor, assuming he will yield. Will the transactions that have already occurred be affected by this?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Yes, the bill would be...would affect those transactions.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll.

SENATOR CARROLL:

Alright, I have two others, let me ask them together. Would it apply to transactions in which the creditors, trustees have already begun foreclosure processes, and would it apply where the trustee creditor has already completed the foreclosure?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

The answer to both questions is, yes.

PRESIDING OFFICER: (SENATOR BRUCE)

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

SENATOR BERMAN:

A roll call, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1488 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 Voting Present. Senate Bill 1488 having received the required constitutional majority is declared passed. Senate Bill 1491, Senator Weaver. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1491.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is a bill that was brought to me by the three banking associations that would address the compensation of the Commissioner of Banks and

Trusts and his deputies. As you know, the salaries are set at the beginning of a five year term and will remain that way unless they are adjusted by this General Assembly. Now, these salaries of the...of the Commissioner of Banks is paid by fees assessed to the banks supervised by the...this office. This would give the commissioner and his first deputy and the...two deputy commissioners and increase ranging from five percent in the first year to 3.8 in the second...or the fifth year, and the first deputy 4.45 the first year, down to 3.8, then the deputy commissioners 4.2 to 3.7 in the fifth year. If there are any questions, I'd be happy to try and answer them.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall...shall Senate Bill 1491 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 7, none Voting Present. Senate Bill 1491 having received the required constitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

1497, Senator Jerome Joyce. Senate Bill 1532, Senator Netsch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1532.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This and the next bill, Senate Bill 1532 are companions which Senator Grotberg and I have introduced jointly. The law already allows Illinois Township Assessors, Supervisors of Assessment, Deputy Assessors or

members of Boards of Review to receive additional compensation if they have completed certain training. The obvious purpose of this was to encourage a higher level of competence for those who were involved in what is a critical part of the property tax process. This bill adds to that a requirement that if they are to continue to receive the annual stipend, or bonus if you will, which is payed by the State, that they must have what amounts to continuing education and that amounts to forty-eight hours of additional training during every three year period, sixteen hours minimum of which is to be subject to written examination. It was strongly supported by the...the Assessors Association, and our two principal witnesses were Miss Kendall and Mr. Lynch, the legislative co-chairmen on their behalf. I think it is an extremely important part of our attempt to upgrade the assessment process.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Berning.

SENATOR BERNING:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR BERNING:

Senator, when you say that the requirement is going to be an additional forty-eight hours of training for an assessor who has been trained, what are you implying that that assessor is going to learn? We have now fixed assets, buildings, the assessment processees are known, not only to the supervisor of assessment but to the assessors, and they have already gone through a training period. My curiosity, therefore, tempts me to ask you, for what purpose, and forty-eight hours is not an unusually large period of time, but it is a burden and I would think.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, I can answer in a general fashion, Senator Berning. I am not involved, obviously, in setting the course of training. But what we were told, by the witnesses who strongly supported this approach, who were...came from the assessment community themselves, is that there are...there are constant upgradings in terms of techniques of assessments, ways in which the computers can be used, modern ways in which you can attempt to assess complicated forms of property which are often the difficult ones to assess, and that as these techniques are refined and become more sophisticated, it is important for the assessing officials to keep up with these changes as they occur. And that would be certainly a part of what they would be learning and refining.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berning.

SENATOR BERNING:

I don't really like to differ with you, however, it just appears that we are now arbitrarily imposing on an elected official another burden. Most of these assessor's offices are not equipped with computers, they're not able to utilize them, for the most part, if they were available. The supervisor of assessments, say in my county, may have a computer, I don't even know that he has. But I submit to you that to require forty-eight hours of additional class training, including therein, sixteen hours requiring a written examination every three years cannot be motivated by anything that is going to produce any substantial improvement in the abilities or the commitment of the individual. And it seems to me that this is an unnecessary expense, because somebody's going to have to bear the expense of the training.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTBORG:

Well, thank you. As co-sponsor with Senator Netsch, Mr. President and members, and the next bill is the same principle applied to the lesser officers. It's a continued upgrading. I believe the assessment community is starting to realize that they're the backbone of the property tax system. They've engendered within themselves some more respect for their profession. The Department of Revenue and the Department of Commerce and Community Affairs offers seminar after seminar year 'round. They have their own meetings. We are talking about going to a couple of seminars, and if they're like legislative seminars, sometimes each one lasts forty-eight hours and you only have to go once. But the concept of upgrading the assessment procedures, I'm kind of delighted that the professional aspect of it is being added. They're seeking it themselves, they're trying to upgrade and clean their own house. I think there is probably no more expense to it now than there was before, because most of these things are offered free, and the average assessor in the smaller counties, except for Cook and a couple of the big ones, don't work that hard every day that they can't go out and get some more continuing education. So, I would move that we support this and let the debate stand for the next one too. Thank you very much.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BERNING:

Just one final comment. If anybody thinks these assessors needs additional training after their first period, let them look to our own house, our own General Assembly, none of us has any training and maybe that's where we ought to start mandating that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch may close debate.

SENATOR NETSCH:

I'm still trying to figure out how to respond to that particular comment, Senator Berning, because this is an important bill in our judgement, and we don't want to jeopardize its passage by deciding what ought to be done with legislators, arrant or otherwise. I would simply point out one final thing, that the stipend, which is already provided in the law, we are not increasing that, is paid year after year after year, but there is no obligation for the assessors to stay up-to-date on their techniques. As Senator...as Senator Grotberg said, this is something that they have sought and supported. It is absolutely an essential part of the upgrading of the assessment process, and I would urge your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1532 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, and 1 Voting Present. Senate Bill 1532 having received the constitutional majority is declared passed. Senate Bill 1533, Senator Grotberg. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1533.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBORG:

Yes, this is the companion bill that includes the deputy assessors and Board of Review members. And in closing, I would only add that it probably takes forty-eight hours a

year for a very brilliant person to keep up with the changes that are made annually by the General Assembly because of our lack of training, Senator Berning. I would ask for the same roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1533 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, none Voting Present. Senate Bill 1533 having received the constitutional majority is declared passed. Senate Bill 1564, Senator Simms. Senate Bill 1571, Senator Gitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1571.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

Thank you, Mr. President and members of the Senate. A year ago, this Body approved legislation that provided for a very limited exemptions and very small waterlines for the issue of chlorination of water supplies. Since that time, there have been some continuing problems with communities throughout the State. In some cases, these are communities that have water supplies that are noted by the EPA as being very, very good. Now, the issue before us is, is whether a community that has a very safe water supply should be required to chlorinate under duress from the EPA. In discussing this issue with the State EPA director, Director Carlson, we were able to arrive at an amendment which provides for an indemnification agreement for a public hearing

notice which has resulted in their neutrality. I think that this is a very healthy compromise, and I think that this is a very wise legislation that should not be subject to a partisan matter.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will yield.

SENATOR SCHUNEMAN:

Senator, I understand that what you're trying to do with this bill is to allow some small communities to opt out of the requirement to chlorinate their water, but I'm curious about the amendment that was attached in which, as I understand it, you're requiring...or the EPA is requiring, that the city sign a hold-harmless agreement agreeing to hold harmless EPA from any financial loss that EPA may suffer, and the city in that agreement agrees with EPA that some risk to the consumer may exist. Now, I'm curious about why you put this amendment on the bill, Senator, first of all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

Senator Schuneman, that is the language that the EPA would like to have. Quite frankly, there is a risk either way. Now, the risk is, is that you can see in the Illinois Natural Resources Department Study, which I'm holding here, and would be happy to distribute copies, they're very reputable national studies that indicate mandatory chlorination is a carcinogenic compound. And consequently, I think it's highly questionable whether we should subject all water supplies to it, particularly those where it's not necessary. The EPA takes the different view, they believe that all

chlorination should be required. This was part of the pact of neutrality that we arrived at. And, in fact, as early as a half an hour ago I discussed with Director Carlson removing that sentence from the bill, and he indicated that there were strong views held by certain individuals within his department, and that he would feel better if we sent the bill at least out of the Senate with that language intact. And in an attempt to arrive at a compromise that people could live with, I agreed to go ahead and do that. Frankly, I would prefer we were silent in that issue because there are very, very good studies that run exactly the other way.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Another point, have you determined what the additional costs might be to cities for the contractual liability insurance that they would have to purchase if they agree to indemnify the EPA?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Gitz.

SENATOR GITZ:

Well, no. But I'd also like to point out, Senator Schuneman, that many communities, including one in your own area, Ashton, communities in Ogle County like Oregon, Representative Darrow has some in his area, have all looked at this amendment, they understand what the provisos are of it. There's a cost of the chlorination equipment now, there's also a cost to those communities which are being cited by the EPA for the legal hassels, but they've gone ahead and done that. So it's a matter of judgemental choice. But I suggest that since the communities themselves have indicated their strong feelings and their willingness to live with the amendment, I'm willing to abide by their wishes. But in direct answer to how much it costs, it may cost nothing if they've

got a counsel who's willing to do that. It may be a cost if they have to contract to it, but there's going to be cost to this issue either way, that's the important point.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Mr. President, speaking to the bill, I'm not an attorney, but it appears to me that what the sponsor has done by adding this amendment is to open the city to the possibility of law suit and indemnification of EPA in the event that anything is found to be wrong with their water supply. The amendment goes on to state that the city will indemnify and hold harmless the State for any liability resulting from any infection, any adverse health effect, or death and so on, and I really believe that what we would be doing by passing this bill in its present form, is to raise the possibility that some small cities may enter into an agreement with the State that would be far more costly by way of either finding an insurance company that would be willing to indemnify them and write that coverage, or possibly find themselves open to indemnification of the state of some big law suit. And I'd be very concerned about passing this bill in its present form.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR GITZ:

Senator Savickas, obviously some of the communities in that area of the State have failed to communicate to Representative Schuneman they're aware of the amendment. I think he ought to have that opportunity to have his questions answered first hand. Let's take this bill out of the record right now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Senate Bill 1575, Senator Rock.

Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1575.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1575 is an amendment to the Code of Criminal Procedure with respect to the subject of bail. It arises, I think, as an emergency because particularly in the county which I represent there have been instances, unfortunately, where people who were out on bail or recognizance subsequently committed additional crimes, and the judge felt in those instances, rightfully so, that there was little or nothing that could be done under the current law. This will attempt to remedy that. This says, in essence, that a bond can in fact be revoked...a bond or a recognizance can be revoked upon the commission of a subsequent crime. If, in fact, the Grand Jury returns an indictment in a subsequent offense, or a preliminary hearing indicates there is prima facie evidence that a...a felony has been committed, the State or the judge on his own motion may...command the...the appearance of the defendant and may, in fact, revoke that first bond. I think this is a step that's absolutely essential for the proper operation of criminal jurisprudence. I think it will afford to the citizens of this State some element of safety and protection that they do not now, unfortunately, enjoy. It was subject to a rather lengthy hearing in the Senate Committee on Judiciary II. I know of no opposition, and I would urge your favorable support for Senate Bill 1575.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator D'Arco.

SENATOR D'ARCO:

Senator Rock, I just...I was in committee when the bill was presented by you, and the only reservation I have is, in the bill it provides that if the defendant forgoes his right to a preliminary hearing, in that situation, the judge may also revoke his bond although there would be no evidence presented to indicate that the defendant did any wrong doing. So, it is with that reservation, and I think you can understand that, that I rise to speak on the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Just to answer that, the Senator is quite correct. There...there is a change, but remember that it's the right of the defendant to waive that preliminary hearing. Now if he waives it, that waiver is itself prima facie evidence that a crime has been committed and subjects him to bail revocation. It does not, however, bar the introduction of any other type of evidence with respect to the question of bail. So, I think that there is some protection. But the waiver by the defendant or his attorney of a preliminary hearing is prima facie evidence that they wish to proceed, and that would subject one under this proposal to bail revocation on the first bond or recognizance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1575 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. Senate Bill 1575 having received the constitutional majority is declared passed. Senate Bill 1640...Senator Grotberg, for what purpose do you arise?

SENATOR GROTEBERG:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR GROTEBERG:

To...to the rear of the Chamber, against Senate rules, Mary Hess...Mrs. Mary Hess, the Kane County Republican Chairwoman and her delightful Precinct Committeewoman, Mrs. Lynn Barr, and they're standing right back here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Rise and be recognized. Senate Bill 1643, Senator Davidson. Senate Bill 1663, Senator Maitland. That concludes our Senate Bills 3rd reading. We will now go...House Bills 2nd reading. House Bill...Senator Rock.

SENATOR ROCK:

I...I do not see the sponsor in his seat. 2211 is the subject of some controversy. There are amendments prepared, I am told, to afford some supplemental appropriation for the general assistance recipients. We are here prepared to move forward on that, and I would hope that at some point we can get to it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The sponsor has just walked on the Floor. Senator Schaffer, we're on the Order of House Bills 2nd Reading, on House Bill 2211. Senator Rock has indicated he has amendments ready. Okay, thank you. On the Order of Secretary's Desk Concurrence, on the bottom of Page 11, Senate Bill 250, Senator Mahar. Senator Mahar.

SENATOR MAHAR:

Thank...thank you, Mr. President and members of the Senate. On Senate Bill 250, I would move for concurrence in House Amendments No. 2 and No. 4. Senate Bill 250 provide for emergency succession as far as the continuity of local government is concerned in the...in the event of a disaster

in the local level. House Amendment No. 2 authorized a transfer of an ESDA building in the southern part of the State, and House Amendment No. 4 clarified the language, defined the word disaster and made other small changes. I would ask for concurrence.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 2 and 4 to Senate Bill 250. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, and none Voting Present. The Senate does concur in House Amendments 2 and 4 to Senate Bill 250, and the bill having received the required constitutional majority is declared passed. Senate Bill 423, Senator Grotberg. Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President and fellow members. Senate Bill 423 was taken up a couple of weeks ago and then taken from the record on concurrence because of the concept of the raising of the threshold for bidding by the Department of Administrative Services. Historically, in 1957 there was a fifteen hundred dollar threshold, in 1973, ten years ago, it was raised to twenty-five hundred. This would...the bill we have before us on concurrence, would raise that threshold to five thousand, which is equal to twenty-five hundred dollars in 1973 dollars, exactly. And in January 1st, 1983 then the five thousand dollar competitive bidding level for...junior college purchasing was enacted last year, effective next year. The...eliminating the certificate requirement for the vendors is the second part of it, with purchases of twenty-five hundred dollars more to speed up the payments, and the receipt and invoice will act to complete the deal as they do now, and often we have to go back after the merchandise has

SB 423  
Sen. Grotberg Conc.

arrived and send back to the vendor the proper forms to fill out. I'll be glad to answer any questions. I understand there may be some...some continued discussion from the other side of the aisle. It's not my amendment, it's administrative...it's an administration amendment. My initial bill to cut down the printing cost of the State of Illinois is still on it, and I kind of like the idea of getting up-to-date on the threshold...bidding threshold to clean up the Purchases Act. Accept questions, if I like it, maybe somebody else likes it. Good data.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Gitz.

SENATOR GITZ:

Mr. President, I was returning to my seat on the vote on Senate Bill 250, and contrary to what the record showed, I did wish to be recorded Aye, and I'd like the record to so reflect.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so reflect. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As I indicated to Senator Grothberg, the...my only complaint...I have no complaint, frankly, with respect to his original bill. My only complaint was that both these amendments, both House amendments, were adopted amongst the late Session confusion in the House, and I'm reliably informed that neither committee, neither a Senate committee nor a House committee has...has had any consideration of these substantive changes. I don't know why, for instance in Amendment No. 2, why are we abolishing mandated reports to the Governor's Office? Why...why are we doing that? I don't know the answer to that. Amendment No. 1, no question but that we are raising the threshold on reporting requirements for bidders with respect to those who have an interest in the

bidding enterprise. Right now, if I bid on something in which...or submit a bid in...with respect to something I have an interest, if it's over fifteen hundred, I've got to report that. Now we're raising that to five thousand. It may be a good idea, I just don't know why. Further, we are repealing the provision requiring the sellers to certify...the sellers, the State vendors, those who sell to the State, to certify that the goods, merchandise, or services provided to the State have met all the standards as provided in the contract. Why...why are we doing that? There may be a good reason why we were doing all this. The problem is that these amendments were adopted in the House by voice vote with no committee approval. They are now over here, almost a year later, and we, apparently, are about to give them approval. I am...I don't know why we just don't send it back and tell the House, you know, just consider this stuff, or we can consider it in some other bill. I just don't know why we're doing it, and I for one don't intend to do it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR GROTBERG:

Thank you, Mr. President. I am sure that President Rock was speaking only for himself, and it shouldn't affect any of the members. Amendment No. 2 that he drew into question, the...the slowing down of the reports to the Governor by the department as the mandated ones would be most welcome for all of us too, because we usually get a copy. It's...a similar attempt to cut back on the printing cost that I have attempted in the major bill. The President was wrong, it's not fifteen hundred dollars now, it's twenty-five hundred dollars now, has been twenty-five hundred for ten years, and in the purchasing procedures, the vendor often ships the merchandise on the good faith and credit of the State of Illi-

AB 623  
nonconurrence

nois, and then, when the merchandise arrives faster than the mail, they have to go back and have him fill out the certification papers. It's an attempt to eliminate the paper work in government, speed up the process, and save some money, and I...you know, I think it's a pretty good bill. I'd ask for your concurrence vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 423. 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. For what purpose does Senator Grotberg arise?

SENATOR GROTBERG:

I now move to non-concur and send the message back to the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We just did, Senator. On that...on that question, the Ayes are 24, the Nays are 22, and 4 Voting Present. Senate bill...the amendments having failed to receive a majority vote, have failed and Senator Grotberg moves to nonconcur and asks a second Conference Committee be appointed. The motion now is to nonconcur and ask the House to recede from Amendments 1 and 2. Senate Bill 512, Senator Philip. Senate Bill 623, Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. I move the Senate not concur with the Conference Committee report...with the House Amendments 1 and 2 and ask the House to recede from Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'm sorry, Senator, I didn't hear what...

SENATOR DeANGELIS:

The move was not to concur with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis moves to nonconcur in House Amendments 1 and 2 to Senate Bill 623. All those in favor indicate by saying Aye. Those opposed. The motion carries, and the Secretary shall so inform the House. Senate Bill 647, Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I would move that the Senate do concur with House Amendment No. 1, Senate Bill 647. The amendment is clarifying in nature that the House added and adds the words "employed by that board" to narrow the reference that only certificated nurses employed by the board should be paid the same as teachers on the district salary schedule. It further narrows the legislation that we passed and clarifies it. And I would ask that the Senate do concur with House bill...House Amendment No. 1 to Senate Bill 647.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise with some concern on this amendment. I...this is a...this is an issue that's been around, I guess, every year that I've been down here, and we...we continue to attempt to do it. I think what...what the Body should know is that we are now putting, whether it's a salary schedule in a school, the nurses under that same salary schedule that the teachers are under. Now, that's...that's fine and there's quite a number of teachers across that State that then will fall under this same salary schedule. Nurses are historically underpaid, and we all know that, but they are supervisory, they are being paid the same as supervisory nurses in hospitals, in doctor's office and the like, and they have elected to take this position on their own. And so, quite

frankly, it's...it's a plus for them, and also creates an extra cost to the district. I would say also that the school district now has the opportunity to pay those...those nurses that salary now, and I think the Legislature should not be in a position of mandating that burden upon local school districts if they don't choose to do it. And finally, Senator Marovitz, I would ask you, it's my understanding that when this bill passed out of here the first time, that it did fall under the State Mandates Act, and I would ask you now, with the bill in its present form, does it continue to fall under the State Mandates Act?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

The legislation is in full compliance with the State Mandates Act, because this is a clarifying piece of legislation under existing language, under existing Statutes, consistent with Section 24-25 of the School Code, states that holders of Type 73 certificates which this...bill deals with shall be entitled to all of the rights and privileges granted holders of a valid teaching certificate. So, the Mandates Act has been complied with, a policy statement was filed, and this is clarifying legislation that most school districts across the State have already been complying with. Some are...do not put their nurses on the salary schedule, and we are saying there should be equality across the State.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator Marovitz, do you have a letter?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

A policy statement was filed before the bill even left

the Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

My concern, Mr. President, the...the bill is in different form now, and that...I...I...I again ask the question, does the bill as amended now continue to fall under the State Mandates Act?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Present form of the bill does not change the legislation in any way. The..the requirement of the Mandates Act, which was met originally, is still met and the...the four word change by the House amendment doesn't change that one bit.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis. Sorry, Senator Maitland.

SENATOR MAITLAND:

Then...then in...in conclusion, Mr. President, it's my understanding that the bill does fall under the State Mandates Act, and I would...would advise the Body that this is an additional State expense that, obviously, is unbudgeted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. In support of Senator Maitland's statement, this is a personnel...personnel mandate, and therefore, it does fall, a hundred percent, under the State's Mandate Act.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR MAROVITZ:

Well, across the State most school districts and school boards are complying with this. We are saying that the law should be consistently applied across the State. There are only a few nurses in certain districts that are not on the regular schedule, we are saying that they should be. It's already in the School Code and I would ask for a affirmative vote on Senate Bill 647.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 647. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 20, 1 Voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 647, and the bill having received the required constitutional majority is declared passed. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We have a group of youngsters from Winnetka, from the Washburn Junior High School in Winnetka, who are down visiting Springfield today, and I would ask that the Senate recognize there presence and welcome...welcome them to Springfield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Senate Bill 730, Senator Nedza. Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. I rise to concur with House Amendments 1 and 3 to Senate Bill 730. House Amendment No. 1, in effect, is Senate Bill 729, which permitted the director of personnel of the sanitary district to substitute categories of ranking, such as excellent, well qualified and qualified for numerical ratings. In House Amendment No. 3,

is Senate Bill 568, which eliminated the fees for civil service examination, and Senate Bill 728, which was the sanitary district working cash fund, and then, of course, the original bill which is 730, which is still intact, that provides for a period of five years that the sanitary district may not do business with a person convicted of or admitting to bribery, bid rigging, price fixing, or fraud in connection with public contracts. And it also provides for review board and details to procedures to be used in an appeal. All of these bills had passed this Body, because of time constraint or whatever in the House, they were not, and then the opportunity was presented to attach them all to this one bill. If there are no questions, I move to concur with House Amendments No. 1 and 3.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Johns.

SENATOR JOHNS:

Not on this particular bill, but I've been waiting for you to recognize me for purpose of another bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Oh. Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 730. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 5, none Voting Present. The Senate does concur in House Amendments No. 1 and 3 to Senate Bill 730, and the bill having received the required constitutional majority is declared passed. Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Mr. President, on Page 13, on the Secretary's Desk under Nonconcurrency, House Bill 654. I refuse to recede from the Senate amendment attached, and I now ask that the a committee

be appointed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator, would you...would you wait 'til we get to that...we're running right down the Calendar and we'll be getting to that.

SENATOR JOHNS:

Okay. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 740, Senator Joyce. Senator Joyce.

(END OF REEL)

SB 1077  
Concurrence

Reel No. 3

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I move that the Senate not concur in House Amendments 1 and 2 to Senate Bill 740.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce moves to not concur in House Amendment No. 1 and 2 to Senate Bill 740. Senator Keats.

SENATOR KEATS:

He...would he please explain to us what those two amendments are, I don't have the record on those.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, what I think they do, Roger, I think they permit me to buy in a lot of time into the Pension Fund. I'm not anxious to have my name spread all over the front page of the newspapers, and I don't know how these came to be here. So, I pass the ball to someone else.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce moves to nonconcur in House Amendments No. 1 and 2 to Senate Bill 740. All those in favor indicate by saying Aye. Those opposed. The motion...the motion carries and the Secretary shall so inform the House. Senate Bill 777, Senator Vadalabene. Senate Bill 1028, Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

At almost unanimous request of everybody, I move to nonconcur in these two amendments for a whole series of reasons.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer moves to nonconcur in House Amendments No. 1 and 2 to Senate Bill 1028. All those in favor indicate

by saying Aye. Those opposed. The motion carries and the Secretary shall so inform the House. Senate Bill 1044, Senator Berning. Senate Bill 10...1077, Senator Bloom. Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. This bill which passed out of here overwhelmingly was part of the package that the...Legislative Investigating Commission caused to be enacted into the area of...the sexual mistreatment of children. This bill allows the...a child, for corroborative purposes, to basically use the prompt complaint exception to the hearsay, only for corroborative purposes. Representative Getty attached an amendment to it that says, now that if a child is of twelve years or under it can only be as for corroborative purposes. I would move that we concur in the House amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1077. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 Voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1077, and the bill having received the required constitutional majority is declared passed. Senate Bill 1187. Senate Bill 1186. Senate Bill 1193. Senate...on the Secretary's Desk for nonconcurrency, House Bill 252, Senator Berman. House Bill 654, Senator Johns. Senator Johns.

SENATOR JOHNS:

Okay, I made my pitch awhile ago. I refuse to recede from the amendment that we placed on the bill in the Senate, and I ask for a Conference Committee on that particular bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

*SB 1672  
3rd Reading*

Is there any discussion? If not, Senator Johns moves that the Senate refuse to recede from the adoption of Amendment...of Senate Amendment No. 2 to House Bill 654 and that a Conference Committee be appointed. All those in favor indicate by saying Aye. Those opposed. The motion carries and the Secretary shall so inform the House. On the Order of Senate Bills Consideration Postponed, Senate Bill 1672, Senator Simms. Senator Simms. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1672.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Simms.

SENATOR SIMMS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We had considerable debate on this bill the other day. I have since had conferences with Senator Newhouse regarding this legislation, and he concurs that there is a...a necessity to pass this legislation as it did have the review of his commission. And to reiterate, this is to comply with the Omnibus Budget...Reconciliation Act of 1981 requiring a ten percent fee on all child support collected on behalf of individuals who are not recipients of public aid. I would urge the Senate to pass this bill favorably so the State of Illinois can qualify for the twenty-two million to forty million dollars of Federal funds in matching benefits that would come to the State of Illinois. I'd be happy to answer any questions, or maybe Senator Newhouse would be...happy to comment on the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. There was some

confusion on this bill the other day for which I apologize. The LAC I've found has done extensive research on this bill. It's a good bill. It's been a revenue producer in a number of states around the country, and we expect it to do the same thing for the State of Illinois. I endorse the bill and would ask for a favorable roll call on it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1672 pass. Those in favor will indicate by voting Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none and 1 Voting Present. Senate Bill 1672 having received the constitutional majority is declared passed. If there is no further business...Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to have the Journal reflect that Senator Becker, once again, is home convalescing from an illness.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The records will so reflect. Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 512 offered by Senator Keats to Geokaris, Berman, Berning and Nimrod. Congratulatory.

And Senate Resolution 513 offered by Senator Coffey. It's congratulatory.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Consent Calendar. If there's no further business to come before the Senate...Senator Gitz.

SENATOR GITZ:

Yes, Senator Vadalabene indicated his desire to be named chief sponsor of House Bill 2075 and I would so move.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Leave is

granted. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, your one last call. There's five tickets I have left for the Senate Prayer Breakfast in the reserve seats down in the front section for the legislators. If you want to go, see me in my office this afternoon 'cause I'm turning them back in tonight. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no further business to come...Senator Buzbee.

SENATOR BUZBEE:

Announcement, Mr. President. The Appropriations II subcommittee which is dealing with the DMHDD budget will be meeting at three o'clock in Room 212.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock. Senator Rock moves that the Senate stand adjourned until 9:00 a. m. Friday morning. Those in favor indicate by saying Aye. The Senate stands adjourned.