PRESIDENT:

The hour of noon having arrived the Senate will please come to order. Our guests in the gallery please rise. The prayer this afternoon will be delivered by the Reverend Conway Ramsier, Morton Grove Presbyterian Church, Morton Grove, Illinois. The Reverend has also been elected the moderator for the Chicago Presbytery. Reverend:

REVEREND RAMSIER:

(Prayer by Reverend Ramsier)

PRESIDENT:

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

SENATOR JOHNS:

Mr. President, I move the reading and approval of the Journals of Friday, May 4th, Tuesday, May 8th, Wednesday, May 9th, Thursday, May 10th, Friday, May 11th, and Monday, May 14th in the year 1979 be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion. All in favor signify by saying Aye. All opposed. The Ayes have it. It is so ordered. Committee Reports.

SECRETARY:

Senator Donnewald, Chairman of the Committee on Assignment of Bills assigns the following House bills to committee:

Agriculture, Conservation and Energy- 1086 amd 2397; Appropriations I- 1191, 1531, 1654, and 1916; Appropriations II- 1634 and 2573; Elections and Reapportionment- 1840; Executive Appointments and Administration- 1100; Finance and Credit Regulations- 2655; Insurance and Licensed Activities- 2370, 2385, 2386, 2394, and 2399; Judiciaty I- 1289; Judiciaty II- 1743 and 1749; Labor and Commerce- 2167; Local Government- 1363 and 2126; Reorganization of State Government- 2380; Transportation- 1681, 2287, 2372, and 2376.

PRESIDENT:

Resolution.

SECRETARY:

Senate Resolution 166, offered by Senator Keats, it is congratulatory.

PRESIDENT:

Consent Calendar. With leave of the Body, we will go to the order of House Bills, First Reading. House Bills First Reading.

SECRETARY:

House Bill 331, Senator Nash is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 551, Senator Buzbee is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 568, Senator Gitz is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 822, Senator Nash is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 916, Senator Buzbee is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1097, Senator Buzbee is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1132,

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1171, Senator Geo-Karis is the Senate sponsor.

(Secretary reads the title of the bill)

1st reading of the bill.

House Bill 1172, Senator Berning is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1174, Senator Davidson is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1175, Senator Nimrod is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1176, Senator Nimrod is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1177, Senator Bloom is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1260, Senator Rupp is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1442, Senator Davidson is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1607, Senator Coffey is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1636, Senator Nimrod is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1638, Senator Regner is the Senate Sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1642, Senator Mitchler is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1646, Senator Nimrod is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1649, Senator Nimrod is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1753, Senator Vadalabene is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1754, Senator Vadalabene is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2325, Senator Knuppel is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2328, by the same sponsor

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2344, Senator Coffey is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2576, Senators Rupp and Becker are the Senate sponsors.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 692, Senator Lemke is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1036, Senator McLendon is the Senate sponsor

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1058, Senator Nedza is the Senate sponsor.

(Secretary reads title of the bill)

House Bill 1803, Senator Nedza is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1019, Senator Nedza is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2006, Senator Jeremiah Joyce is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2034, Senator Nedza is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2473, Senator D'Arco is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2526, Senator Merlo is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 725, Senator Berning is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 1322, Senator Knuppel is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the bill.

House Bill 2521, Senator Nedza is the Senate sponsor.

(Secretary reads title of the bill)

1st reading of the foregoing bills.

PRESIDENT:

With leave of the body, we will go to the order of Senate bills, 2nd reading. I understand that the Appropriations committee work and amendments are not yet in a position of readiness, so except for those bills that are supplemental or

emergency in nature, the Appropriations bills will not be called today. Senate Bill 44, Senator Lemke. Senate bills 2nd reading, page 2 on the calendar. Yes, Senator Lemke.

SENATOR LEMKE:

Second reading, there is a bill that we passed , the substantive bill, 41, 42 goes along with that.

PRESIDENT:

I understand that. All that I'm suggesting is that unless the Appropriation is either emergency or supplemental nature, all of the Appropriations bills will be called in one fell swoop. Okay?

SENATOR LEMKE:

Yes, I just thought that we could take it...take a vote on third reading at the same time.

PRESIDENT:

You will have that opportunity, I'm sure. 44, do you wish that called?

SENATOR LEMKE:

Yeah, I guess so.

PRESIDENT:

On the order of Senate bills, 2nd reading, Senate Bill 44. Read the bill, Mr. Secretary.

(Secretary reads the title of the bill)

SECRETARY:

2nd reading of the bill. The committee on Judiciary I offers 1 amendment.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I move for the adoption of that amendment.

PRESIDENT:

Senator Lemke...

SENATOR LEMKE:

...from 72 to 48 hours.

PRESIDENT:

Senator Lemke's moved the adoption of Committee Amendment number 1 to Senate Bill 44. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

Committee Amendment number 2.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Committee Amendment number 2? What does that do? ...or 3?

SECRETARY:

Deleting.....page 3, line 23 by deleting number 72 and inserting in lieu thereof the number 48.

SENATOR LEMKE:

48, yes...I move for the adoption.

PRESIDENT:

Senator Lemke has moved for the adoption of Committee Amendment number 2 to Senate Bill 44. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Any further amendments.

SECRETARY:

Committee Amendment number 3.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What does that do?

SECRETARY:

...On page 3, line 7 and 11 by inserting immediately after the last comma in each line the following: not for profit corporation qualified to taxpayer's status under section 501C, imprints 3 of 1976 United States Internal Revenue Code.

SENATOR LEMKE:

That applies to counseling services in the same building as the Ambulatory Treatment Centers. If they are not for profit, they can be there. I ask for its adoption.

PRESIDENT:

Senator Lemke has moved for the adoption of Amendment number 3 to Senate Bill 44. Is there any discussion? If not, all in favor signify by saying Aye. All those opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

Committee Amendment number 4.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What does that do?

SECRETARY:

...section...page...

SENATOR LEMKE:

Was that the medical...

SECRETARY:

...Section by deleting the name of the physician that and the names of two physicians of which

SENATOR LEMKE:

...All we're adding is instead of...just removes the objection of the medical society if the physician that was supposed to do the surgery was ill, they wouldn't have a choice to do anything else so we inserted it there the name of two physicians, one of whom may do the operation.

PRESIDENT:

Senator Lemke has moved the adoption of Amendment number 4 to Senate Bill 44. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the floor.

SECRETARY:

Amendment number 5, offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this amendment does is insert there; unless in the judgement of the woman's physician or the physician administering or supervising such tests is necessary for the woman's physical or mental well-being that the abortion be performed sooner. This is in regards to 48 hours. I ask for its adoption.

PRESIDENT:

Senator Lemke has moved the adoption of Amendment number 5 to Senate Bill 44. Is there any discussion? If not, all those in favor signify by saying Aye. All those opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

Amendment number 6 offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this does is bring the 48-hour provision which was an amendment in Senate Bill 47 as far as the pregnancy test, makes the 48 hours conform with all of the rest.

PRESIDENT:

Senator Lemke has moved the adoption of Amendment number 6 to Senate Bill 44. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

Amendment number 7, offered by Senator Lemke.

PRSIDENT:

Senator Lemke.

SENATOR LEMKE:

What does that do? The page is not here, the one I'm looking for...

SECRETARY:

...page 3 by deleting lines 19 through 26. I'd have to look at the bill.

PRESIDENT:

While there is a lull in the proceedings, gentlemen, if I could have your attention, Channel 20 and Channel 13 have asked leave to record part of the proceedings. Is leave granted? Leave is granted. AP has asked leave be granted to take still photographs. Is leave granted? Leave is granted.

SENATOR LEMKE:

What date was that?...

PRESIDENT:

Would you mind checking with the Secretary?

SECRETARY:

It is on page 3, deleting line 19 through 26. Unless other amendments will have put it in order,I think that the amendment would be out of order.

SENATOR LEMKE:

Oh, this provides that the standards for abortions be the same as hospital standards. It deletes that out.

PRESIDENT:

Senator Lemke has moved the adoption of Amendment number 7 to Senate Bill 44. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it, the amendment is adopted. Any further amendments.

SECRETARY:

Amendment number 8, offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What does that do? Timmy is not here...

SECRETARY:

For a period, unless the judgement of the physician or physicians administering or supervising such tests...

SENATOR LEMKE:

That puts the medical necessary clause in that provision.

PRESIDENT:

Senator Lemke has moved for the adoption of Amendment number 8 to Senate Bill 44. Is there any discussion? If not, all those in favor signify by saying Aye. All those opposed. The Ayes have it. The amendment is adopted. Any further amendments.

SECRETARY:

No further amedments.

PRESIDENT:

Third reading. Senator DeAngelis for what purpose do you rise?

SENATOR DeANGELIS:

For the purpose of asking the sponsor a question.

PRESIDENT:

You are in order. Senator DeAngelis

SENATOR DeANGELIS:

Senator Lemke, currently there are ambulatory surgical care centers that are operated by hospitals and by groups of physicians as well. Would your bill preclude them from operating an ambulatory surgical care center?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

It doesn't preclude them. What my bill does is regulate the certain provisions requiring ownership in hospital corporations from operating. This was in conformance with the medical society's wishes.

PRESIDENT:

Senator DeAngelis

SENATOR LEMKE:

...would preclude..

SENATOR DeANGELIS:

Would I have your permission if necessary to offer additional amendments on third reading to clarify language that I might find unacceptable?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I have no objection.

PRESIDENT:

All right, gentlemen,, before we proceed, there has also been a request for leave to take still photographs by a Miss Gail Van Thorne, who is the director of Public Relations for the Illinois Savings and Loan League. Apparently, they are in the process of putting together a slide presentation, and have asked permission today to take still photographs. Is leave granted? Leave is granted. Additionally, there will be in the press box, with leave of the body, a young lady who is an artist-in-residence who wishes to do some sketches. If there is no serious objection, leave will be granted. 46, Senator Lemke.
On the order of Senate bill, 2nd reading, Senate Bill 46. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 46.

(Secretary reads the title of the bill)

2nd reading of the bill. Committee on Judiciary I offers three amendments.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Okay, take the first amendment. Amendment number 1.

SECRETARY:

Amendment number 1 is line 10 but deleting added pregnancy tests performed by a licensed hospital, medical laboratory, or other licensed center which is not connected in any...and then by deleting line 14 and 15 on page 3, inserting in lieu thereof the following performed in such licensed hospital, medical laboratory, or other licensed center furnished such pregnant women with a true copy, and on page 2 by deleting line 12, inserting in lieu thereof the following licensed hospital, medical laboratory or other such center and on page 2 by deleting lines 16 and 17 and inserting therecf the following abortion facilities such as licensed hospitals, medical laboratories, and other such centers has furninshed the results of the pregnancy tests, too.

SENATOR LEMKE:

What this amendment does is delete the provision requiring the pregnancy test be performed by independent licensed private medical laboratories and instead require that this test be performed by a licensed hospital laboratory or other like center connected...unconnected with the ambulatory surgical treatment center. This remedies the objection that only private medical laboratories could administer the test. I ask for its adoption.

PRESIDENT:

Senator Lemke has moved for the adoption of Amendment number 1 to Senate Bill 46. Is there any discussion? If not, all in favor signify by saying Aye. All those opposed. The Ayes have it and the amendment is adopted. Further amendments.

SECRETARY:

Amendment number 2, and that is changing your 72 to 48.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

That reduces it to 48 hours. I ask for its adoption.

PRESIDENT:

Senator Lemke has moved for the adoption of Amendment number 2 to Senate Bill 46. Is there any discussion? If not, all in

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

SECRETARY:

Committee amendment number 3...

SENATOR LEMKE:

....we should table amendment number 3 and go to the floor amendment which remedies the problem in there....in regards to the 48 hours.

PRESIDENT:

Senator Lemke has moved to table amendment number 3 to Senate Bill 46. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it and the amendment is tabled.. Any further amendments.

SECRETARY:

No further committee amendments.

PRESIDENT:

Amendments from the floor.

SECRETARY:

Amendment number 4, offered by Senator Lemke.

SENATOR LEMKE:

This amendment is identical to Amendment number 3 pertaining to the wavering of the cooling off period when the doctor or medical necessity except that what it does is makes it 48 hours instead of 72. I ask for its adoption.

PRESIDENT:

Senator Lemke has moved for the adoption of Amendment number 4 to Senate Bill 46. Is there any discussion? Senator Keats.

SENATOR KEATS:

Mr. President and ladies and gentlemen of the Senate, of interest, this particular amendment was a separate bill and the bill was defeated in committee. If we're talking about the committee process, we should realize that this bill was defeated.

It was no let out, and if people would like to have this defeated bill tacked on as a separate amendment, fine, I just want to make sure that the people are aware of it.

PRESIDENT:

Any further discussion. If not, Senator Lemke moves the adoption of Amendment number 4 to Senate Bill 46. All in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

No further amendments.

PRESIDENT:

Third reading. Senate Bill 49, a fiscal note, has been requested and not yet answered. 51, Senator Knuppel. 172, Senator Regner. 203, Senator Somner. 244 , Senator Joyce. On the order of Senate bills, 2nd reading, Senate Bill 244. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 244.

(Secretary reads the title of the bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor?

SECRETARY:

Amendment number 1, offered by Senator Jeremiah Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Mr. President, ladies and gentlemen of the Senate. Floor amendment to Senate Bill 244 restricts the application of Senate Bill 244 to properties used only as single-family detached residential units. I move the adoption if there is no objection to this amendment.

PRESIDENT:

Senator Joyce has moved the adoption of Amendment number 1

to Senate Bill 244. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it and the amendment is adopted. Any further amendments.

SECRETARY:

No further amendments.

PRESIDENT:

Third reading. 296, Senator Hall. 298, 301, Senator D'Arco. 311, Senator Netsch. 312, Senator Netsch. 375, Senator Shaffer. 425, middle of page four, Senator Hall. Fiscal note has been requested and has not yet been filed. 519, Senator Collins. 534, Senator Shaffer. 559,...at the top of page 6...Is Senator Martin available? Yes, there is a supplemental of some emergency. Senate Bill 582. The sponsor has requested some movement. On the order of Senate bills 2nd reading, Senate Bill 582. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 582. (Secretary reads the title of the bill) 2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor?

SECRETARY:

No floor amendments.

PRESIDENT:

Third reading. 569, Senator Demuzio. 664, Senator Hall. 689, Senator D'Arco. 784, Senator Joyce. 708, Senator Sommer. 724, Senator Carroll. 831, Senator Nimrod. 832, 852 Senator Chew. On the order of Senate bills, 2nd reading, top of page 7, Senate Bill 852. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 852. (Secretary reads the title of the bill) 2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor?

SECRETARY:

No floor amendments.

PRESIDENT:

Third reading. 870, Senator Newhouse. 872, ...888, Senator Keats. 889, 890,..911, Senator Regner. 927..931, Senator Berman. Middle of page 8, there is again another supplemental emergency type of appropriation which the sponsor has requested. Senate Bill 944. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 944.

(Secretary reads the title of the bill)

2nd reading of the bill. The committee on Approprations I offers 1 amendment.

PRESIDENT:

Senator Regner.

SENATOR REGNER:

Mr. President, members of the Senate, this committee amendment is for $20,000 for expenses for activities associated with the International Year of the Child. I move for its adoption.

PRESIDENT:

Senator Regner moves for the adoption of Amendment number 1 to Senate Bill 944. Is there any discussion? If not, all those in favor signify by saying Aye. Those opposed. The Ayes have it. The amendment is adopted. Any further amendments.

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the floor.

SECRETARY:

No floor amendments.

PRESIDENT:

Third reading. 946 was requested..the sponsor does not seem to be present. 968, Senator Lemke. On the order of..of Senate Bills 2nd reading, Senate Bill 968. Read the bill, Mr. Secretary.

SECRETARY:

(Secretary reads the title of the bill)

2nd reading of the bill. The bill did have a request for a fiscal note, which has been answered. The committee on Revenue offers one amendment.

PRESIDENT:

Senator Lemke. Senator Lemke moves the adoption of committee amendment number 1 to Senate Bill 968. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it, and the amendment is adopted. Any further amendments.

SECRETARY:

No further committee amendments.

PRESIDENT:

Any floor amendments.

SECRETARY:

No floor amendments.

PRESIDENT:

Third reading. 976, On the order of Senate Bills, 2nd reading, bottom of page 6, Senate Bill 976. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 976.

(Secretary reads the title of the bill)

PRESIDENT:

...Pardon me, Mr. Secretary. For what purpose does Senator Weaver rise?

SENATOR WEAVER:

I move to table Senate Bill 976.

PRESIDENT:

Senator Weaver has moved to table Senate Bill 976. All those in favor signify by saying Aye. All opposed. The Ayes have it, and the bill is tabled. 978, Senator Egan. 1001, Senator Berman. 1002, Senator Berman. Okay, request for a fiscal note has not yet been complied with. 1011, Senator Carroll, top of page 9, 1038, Senator Buzbee. On the order of

Senate Bills, 2nd reading, top of page 9, Senate Bill 1011.

Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1011. (Secretary reads the title of the bill)

2nd reading of the bill. The committee on Agriculture, Conservation and Energy offers 1 amendment.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

This was a committee amendment...that was technical in nature. This was a result of the cost-control task force recommendations and unless some committee member would like to go into detail, I understood it to be a technical amendment. I would move its adoption.

PRESIDENT:

Senator Carroll moves the adoption of committee amendment number 1 to Senate Bill 1011. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Any further amendments.

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments forom the floor?

SECRETARY:

No floor amendments.

PRESIDENT:

Third reading. 1038, Senator Buzbee. 1081, Senator Rupp. 1096, Senator Geo-Karis. On the order of Senate Bills 2nd reading Senate Bill 1096. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1096. (Secretary reads the title of the bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor?

SECRETARY:

Amendment number 1, offered by Senator Geo-Karis.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and ladies and gentlemen of the Senate. This is an amendment that was worked out between the Dangerous Drug Commission, the Department of Law Enforcement, the Illinois Medical Society,..and they've worked together on it and this is an amendment that will clear up some of the questions we had on the bill when it was in the Judiciary II Committee. I've talked to Senator Sangmeister, the chairman, and Minority spokesman, Senator Bowers, and Senator Moore, who had some questions on it, and I'd like to move for the adoption of the amendment at this time.

PRESIDENT:

Senator Geo-Karis has moved the adoption of Amendment number 1 to Senate Bill 1096. Is there any discussion? If not, all in favor...Senator Ozinga.

SENATOR OZINGA:

The thought just strikes me...is the word practitioner defined within the act?

PRESIDENT:

Any further discussion? If not, Senator Geo-Karis has moved the adoption of Amendment number 1 to Senate Bill 1096. All in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

No further amendments.

PRESIDENT:

Third reading. 1119, Senator Buzbee. 1166, Senator Joyce. 1238, Senator D'Arco. 1243, Senator Berman. 1246, Senator

Sangmeister. 1254, Senator Demuzio. Top of page 10, Senator Mitchler not in evidence. Top of page 10, there is an emergency supplemental appropriation to the Department of Veterans Affairs. On the order of Senate Bill, 2nd reading, Senate Bill 1266. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1266.
(Secretary reads the title of the bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor?

SECRETARY:

Amendment number 1, offered by Senator Mitchler.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Mr. President, members of the Senate, this is an amendment for appropriation of the Commissioner of Banks and Trust Companies being added to Senate Bill 1266, which is the Department of Veterans Affairs. I checked with Senator Carroll, and he is co-sponsoring this amendment...It's to put into three major factors requiring additional funding for FY-79, a $40-per-month across-the-board salary increase was granted July 1, 1978, and this appropriates $63,800 to that. The Department of Personnel re-classifies the Bank Examiner's job title classifications, and upgrades salaries, effective February 1, 1979 at $40,400. And the third item is salary increases were granted in May and August, 1978, to reduce the unacceptable turnover rate of Examiner personnel, and the unbudgeted additional expenditures, $72,140. I would ask for adoption of the Amendment 1, to Senate Bill 1266.

PRESIDENT:

Senator Mitchler has moved the adoption of Amendment number 1 to Senate Bill 1266. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it.

The amendment is adopted. Further amendments.

SECRETARY:

No further amendments.

PRESIDENT:

Third reading. 1298, Senator Rhoads. 1338, Senator Egan. Fiscal note request has not yet been complied with. 1350, Senator Bloom. 1359, Senator Nimrod. 1391, Senator Netsch. You are correct. Fiscal note requested, has not yet been complied with. 1394, Senator McMillan. 1435, Senator Nimrod. On the order of Senate Bill, 2nd reading, Senate Bill 1435. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1435.
(Secretary reads title of bill)
2nd reading of the bill. The Committee on Agriculture, Conservation and Energy offers 1 amendment.

PRESIDENT:

Senator Nimrod.

SENATOR NIMROD:

Yes...Mr. President, what the amendment that was put on in committee did was to limit the bonding provision and what I would like...well, I usually better leave that...it limits the bonding provisions on the bill which is used as loans to the local schools on the Energy Conservation Program. I would move for the adoption of the amendment.

PRESIDENT:

Senator Nimrod moves the adoption of Amendment number 1 to Senate Bill 1435. Is there any discussion. If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the floor?

SECRETARY:

Amendment number 2, offered by Senator Nimrod.

PRESIDENT:

Senator Nimrod.

SENATOR NIMROD:

Yes, Mr. President and ladies and gentlemen of the Senate. By agreement with the committee, I did agree to further amend the bonding provision to provide for revenue bonds and also reduce the amount of money that the bond would be allowed for local schools to borrow from $10,000 to $5,000. So, any school that had a $5,000 saving would be eligible for that amount. In addition to that, what we did was include local governments for loans on technical assistance. This was in accordance with the conversations with the committee, and I would move its adoption...Amendment number 2.

PRESIDENT:

Senator Nimrod has moved for the adoption of Amendment number 2 to Senate Bill 1435. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments.

SECRETARY:

No further amendments.

PRESIDENT:

Third reading. Senator Nimrod.

SENATOR NIMROD:

Did we pass 1359?

PRESIDENT:

Senator Shaffer, are you ready? ...for that emergency-type appropriation that everybody's concerned about? Middle of page 8, on the order of Senate Bills, 2nd reading, Senate Bill 946. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 946.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Appropriations II

offers 1 amendment.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I'm going to give a brief explanation of this ...and defer to Senator Carroll. This amendment reduces the supplemental appropriation request by $2,700,500. This reduction is made only in personal services, and related accounts. It is based on a higher actual turnover in hiring lag than was budgeted for by the department. The department still has over $4,000,000 in 2% transfer authority for FY-79 in their GR lines. This change reduces the supplemental request down to $6,299,500. The fact of the matter is that through gross mismanagement, once again in the department in the Governor's Office, we see these supplemental requests coming in for $9,000,000 to pay off an AFSCME agreement is what it amounts to, the Governor assigned, and then presents us with the bill. Frankly, those of us on this side of the aisle are getting a little tired of being pictured as the big spenders in State Government, when it's the Governor on the other side of the aisle who continuously signs the contracts, the agreements, gives away the State Treasury to the various unions who work... who are organized in State Government, and then presents the legislature with the bill, and says "Here, pay it", and then in the campaign year, of course, he goes all over the state, telling what big spenders the Democrats are. And the fact of the matter is that the Democrats haven't had a thing to do with this request. We've been opposed to it. We've been opposed to his continual signing the agreements with AFSCME, but he continues to do it. This year, he's costing the State of Illinois in FY-70,rather FY-80, he's costing the State of Illinois $54,000,000 additional taxpayer dollars in benefits to AFSCME employees. Now I believe in fair & equitable compensation, and I believe that those employees ought to have the right to bargain

collectively, and I believe that they ought to have the right to get a fair and equitable raise, but for the Governor to continuously take the unilateral action of signing the agreement and then presenting us with the bill and say "Here, pay it", as far as we're concerned, is going to stop. As a matter of fact, in just a few minutes, we'll be getting to a bill that Senator Regner and Senator Sommer and Senator Carroll and myself are co-sponsors of, that will require legislative approval of agreements of this type in the future. But in the meantime, we have nothing we can do with the agreement that has already been made, other than to refuse to pay part of the bill, and that's why we have this amendment put on, and that's why we intend to stick with it. Mr. Governor, if you want to sign the agreements, then you come up with the money. But we're tired of paying you out of your problems.

PRESIDENT:

Further discussion. Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Senator Buzbee has, I think, come to the crux of this particluar situation. The Department of Mental Health did, in fact, enter into an agreement with AFSCME, an agreement which the Governor did, in fact, agree to, and a result of that agreement, after all the statistics have been tossed around, is that they need the supplemental appropriation. They need it in total to meet the payrolls for the remaining part of this fiscal year. The simple fact is that this amendment will provide for a reduction that in effect, will cause the Department of Mental Health not to meet their payroll on the last 2 weeks in the month of June, some 3,727 employees, at various facilities around the State, who,you know, deserve to be paid. Now, we've got some gamesmanship going on, Senator Regner has a bill coming up that will address this problem directly. We can play games, we can force a couple of pay-

less weekends for some Mental Health employees. By the say, I don't see anywhere on the list here that the Governor's salary will be witheld for those two weeks or so that ours will. Just the poor people who happen to work over in the Mental Health Hospitals and empty the bedpans, that's who we're talking about not paying. Not the bureaucrats, not the legislators, not the Governor, just the poor people that make State Government run in the Department of Mental Health. Now I share Senator Buzbee's frustration about our inability to come to grips with the AFSCME contract, but I don't think that this is the vehicle. I would request this amendment be defeated and I would request a roll call.

PRESIDENT:

Further discussion. Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President, Ladies and Gentlemen of the Senate. I am amazed sometimes, Senator Schaffer, at your comments, and I say so with a smile. Because, you are frustrated, I can understand that. If I had to stand there and defend the department on this bill, I too would be frustrated. The problem with this department and with most of these supplementals is the improper management of government by the 2nd floor and its agencies. The improper management of the fiscal responsibility of this state. This is a department. A department that had 3,000 employees turnover this year. 2700 of those employees were then hired. 2700 new employees by the Department of Mental Health and Developmental Disability. If they had followed their own standards, with the time it takes to bid a job, with the time it takes to fill a vacancy, according to that department's fiscal officers, it takes 45 days, normally, to fill a job. Those 45 days could have produced $4,050,000 in turnover and hiring lag that they would not have needed in this supplemental. The supplemental should have been for $5,000,000 only, not for the $9,000,000 in this request, had they followed normal hiring practices, as

well as good management decisions. They did not do that, and their turnover and hiring figure was just over 1,300,000, instead of $4,050,000, so what this amendment does is just takes out that additional $2,700,500, that additional amount to cover what should have been, under normal practice and good management, a normal 45-day lag period in filling vacancies, and bringing in a lower level that $2,700,500 waste that we will not tolerate from this or any other department, where they speed up their hiring practices in order to spend money they know they do not have. And just to repeat, within their own transferability, there is over $4,000,000 available to this department to meet the payroll if they want to transfer funds from other lines. All we are saying is be responsible. You knew in July how much money you had to run your department, Mr. Director. Live within that budget. Don't come back here, because you didn't live within your budget when you had the means to do so. They had the means, they decided not to avail themselves of it, so that you could stand up here and say give them more, give them more, give them more, forget about what you've done with the budget. I think this amendment is a good one, and I think the whole Senate should be on record in support of this.

PRESIDENT:

Any further discussion. Senator Schaffer for the 2nd time.

SENATOR SCHAFFER:

Alright, I thought I'd discuss my level of frustration with Senator Carroll. Yes, I have to admit that my frustration with the 2nd floor is only exceeded by my frustration with the liberations of this particular body. Again, I would point out, without disagreeing with at least some of what has been said on the other side by at least a couple of the members on the other side, that the AFSCME agreement is the problem here, and whether you like it or not, that is the problem. I have to somewhat smile at my colleague on the other side who

says that they hire the people back too quickly, particularly in view of the fact that not one but several legislative committees consistently badger this department to get their ratio, staffing ratios up in the various agencies, and every time they're late on that, we launch an investigation and put a resolution in and create a new committee to investigate them to get them to hire people quicker, and then we turn around and blast them when they respond to us. The bottom line is that there are 3,727 people who aren't going to get paid for the last 2 weeks in June, with this supplemental as it now stands. I'm for good management, but I would suggest to you that why punish the people that empty the bedpans and why don't we go after the bureaucrats and the administrators who run the department and the executive branch, let's take a shot at the BOB's budget. Why go after the people who empty the bedpans. That doesn't seem fair to me.

PRESIDENT:

Senator Buzbee, you may close the debate.

SENATOR BUZBEE:

Thank you, Mr. President. You know, it's really kind of strange, the argument that we're getting from that side of the aisle. When we talk about several of us consider ourselves to be proponents of fiscal responsibility, including most of the members of that side of the aisle, I know, and yet we keep saying "...but let's just forgive this one more case of mismanagement just one more time." Well let me name some of the other cases we've already forgiven this year, the Department of Public Aid, the Department of Military and Naval, the Department of Law Enforcement, the Department of Corrections, the Department of Children and Family Services, the Department of Public Health, we've come in with supplementals for each of those. Now, we have seen something like a 7% growth in the personal services line for the Department of Mental Health with the 20%

decline in population. Now Senator Schaffer, I beg to take hombrage with you on the one statement that you made when you said that we keep telling departments to get your staff/patient ratio in line. As a matter of fact, what I had continuously been saying to this department, "How can you possible merit hiring more employees when your population is going down by 20% this last year?" I made that statement in committee to the director, I made the statement in public to the Governor, I made the statement in the Governor's mansion to the Governor. I still don't quite understand that line of reasoning. Now, we.. Senator Schaffer talked about 3,727 employees who are going to go without a payday. That's the same old kinds of bureaucratic bull malarkey that we see coming out of these departments time after time after time. You put the...you try to put public pressure on the legislature, and everybody points to the legislature and says "Look, it's those folks that are denying you your payday. It's those dirty old politicians that sit in the legislative chambers on the 3rd floor that are denying you your payday, because they refuse to give the money." Well, the fact of the matter is there is over $4,000,000 of transfer capability within this department's line items right now. They can transfer those dollars if the good Doctor Devito is not competent enough to find the places to transfer those funds from, I suggest that we fire the good Doctor Devito. We are allowing almost $7,000,000 in new money to pay for this AFSCME agreement, and we're saying to the department that you have $4,000,000 in transfer capability-use that. We're not going to give you everything you ask for, but we're going to make a stance at some point. We gave in on Law Enforcement. I regret that. I was cajoled by the Governor, and by members of the other side of the aisle, and I finally gave in. I regret that sincerely. I will not give in on this one. I suggest that we do take that roll call. Let's let the citizens of the State of Illinois once

and for all see who does stand up for fiscal responsibility, and I would suggest that we adopt this amendment.

PRESIDENT:

Senator Buzbee has moved the adoption of Amendment number 1 to Senate Bill 946. A roll call has been requested, those in favor of the amendment will vote Aye, those opposed will vote Nay, the voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 23, none voting present. The amendment is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

Third reading.

End of reel

If I may have the attention of the membership, we will now move, with leave of the Body, to the Order of Senate Bills, 3rd reading. Leave is granted. Senator Egan, for what purpose do you arise?

SENATOR EGAN:

Yes, if...if I may, Mr. President, I would like the Journal to reflect according to our rules, the House sponsor of a bill has the right to pick the Senate sponsor. And I've been requested by Representative Cullerton to pick up House Bill 2595. I find out that it was picked up by Senator Nash.

PRESIDENT:

So, you're asking leave to be shown as the Senate sponsor. Is leave granted? Leave is granted.

SENATOR EGAN:

Yes, also, Mr. President, House Bill 1175 was passed under the sponsorship in the House of Representative Wolf and he has asked me to pick up the sponsorship and that sponsorship was picked up in the Senate by Senator Nimrod and I would like the Journal to reflect that fact.

PRESIDENT:

Heard the request. Is leave granted? Leave is granted. So ordered. On the Order of Senate Bills, 3rd reading, we will continue on a daily basis from where we left off the day before. There are, however four...no, three emergency supplemental appropriations which the sponsors have requested that the Chair get to. If you'll take your pencil out, it's Senate Bill 340, a supplemental to the Secretary of State, Senate Bill 368, a supplemental to the Department of Public Health, and 945 which is at the bottom of page 35, Senate Bill 945 for the Department of Corrections. So, with leave of the Body, we'll go to those three bills and then we will begin at the top of page 15 with Senate Bill 324. On the Order of Senate Bills, 3rd reading, Senate Bill 340. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 340.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Mr. President, this is a supplemental appropriation to the Secretary of State.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Ten thousand dollars of this is from GRF for two purposes, refunds for fees collected and supplemental library grants. The Secretary estimates that four hundred and eighty-five thousand dollars will be needed to meet an anticipated deficiency in the refund account, four hundred and seventy-five thousand from the Road Fund and ten thousand from GRF. This is pass through money to citizens of Illinois for the return of fees collected in error is all that is. It's a little bit different. The delivery of plates was slower this year with the delay caused by the shift from annual plates to multi-year plates. As the display deadline approached, many applicants not yet receiving their plates went ahead and purchased a set at banks and currency exchanges resulting in duplicate registrations. Consequently, these applicants are seeking refunds for one set of the plates. Applicants confused about the acutal fee due for the multi-year plates sent in the old annual fee. In such instances the application was processed as the short option, thereby necessitating a partial refund. The Secretary of State is seeking an additional three million all Federal funds to be dispersed in FY'79 for library service grants. The original FY'79 appropriation of three million has already been expended or

obligated as of February the 28th, '79. These grants are issued pursuant to the Federal Library Service and Construction Act and in the past have not been appropriated by the General Assembly. FY'79 is the first year that these funds were appropriated. The Secretary of State states that miscommunication between the library and budget office led to the wrong amount being used in the FY '79 appropriation bill and I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Knuppel.

SENATOR KNUPPEL:

Well, this isn't to appropriate more money, is it? I'm against deficiency appropriations.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, in the last campaign, Secretary of State Dixon went all over this State promising to spend less money and attacking the Republicans as the big spenders and we, on this side of the aisle, are tired of it, we're tired of this kind of chicanery. All for the last year we've heard about these raids on the Motor Fuel Funds. We haven't got money to build the little bridge so the bus can go across so the school kids can get to school on time. But we're going to get more money for the bureaucrats from the Road Fund. I think the time has come for this Senate to decide who is fiscally responsible and who is not. I urge the defeat of this amendment.

PRESIDENT:

The question is shall Senate Bill 34...Senator Buzbee.

SENATOR BUZBEE:

Mr. President, I wanted to thank you for the propituous time that you chose to call this bill. It's greatly appreciated.

PRESIDENT:

It was an...it was an attempt on the part of the Chair to suggest you might curtail some of your loquaciousness. Senator Buzbee may close, briefly.

SENATOR BUZBEE:

Thank...thank you, Mr. President. If...if one can't be loquacious here, where can one be loquacious?

PRESIDENT:

I've got a place for you.

SENATOR BUZBEE:

Kings...I would just point out to Senator Schaffer that we have a lot of little citizens out there waiting for their refunds on their license plate applications. And if we don't pass this bill, those little citizens are not going to get their refunds and I think we ought to pass it.

PRESIDENT:

The question is shall Senate Bill 340 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 44, the Nays are 7, 2 Voting Present. Senate Bill 340 having received a constitutional majority is declared passed. If you'll turn now, Gentlemen, to the top of page 17 on the Order of Senate Bills, 3rd reading, Senate Bill 368. Read the bill...Senator Berning, for what purpose do you arise?

SENATOR BERNING:

For a question of the Chair.

PRESIDENT:

Yes, Sir.

SENATOR BERNING:

When will we consider those bills called on 3rd reading yesterday that were necessarily called back for 2nd reading?

PRESIDENT:

We will...we will attempt to make the whole circuit and get back to them just as quickly as possible.

SENATOR BERNING:

They do not come up in advance of 3rd reading considerations today?

PRESIDENT:

No, Sir. On the Order of Senate Bills, 3rd reading, Senate Bill 368. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 368.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Daley.

SENATOR DALEY:

Mr. President and fellow Senators. This bill is for the health services for premature and high mortality risk infants and their mothers. It's a 3.6 million dollar appropriation. The committee worked closely with the Department of Public Health. The unrealistic approach they've had for prenatal care in Illinois ...we've had a bipartisan support in the committee and I ask for the full support of...of this supplemental appropriation. It's greatly needed in Illinois.

PRESIDENT:

Is there any discussion? If not, the question is shall Senate Bill 368 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 52, the Nays are none, none Voting Present. Senate Bill 368 having received a constitutional majority is declared passed. If you will turn now to page 35 on the Calendar, on the Order of Senate Bills, 3rd reading, Senate Bill 945. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 945.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President and members of the Senate. It's with a great amount of timidity that I present this bill. Supplemental appropriation request to help take care of some of the expenses of the Stateville lock-up and shake-down. There is a six hundred and eighty-three four was reduced and the...it's now standing at four six two four and I ask for your...

PRESIDENT:

Is there any discussion? If not, the question is shall Senate Bill 945 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 51, the Nays are none, none Voting Present. Senate Bill 945 having received a constitutional majority is declared passed. All right. Gentlemen, if you'll now turn to page 15, we will begin where we left off yesterday, top of page 15, first bill to be called will be Senate Bill... On the Order of Senate Bills, 3rd reading, Senate Bill 324. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 324.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 324, what it does is take out of...misdemeanor out of the

Class C status and making it a Class A status for anyone who knowingly or without authority to enter after notice any portion of an airport which is being used for a landing or taking off aircraft and has been designated by the Airport Authority as restricted or...restricted landing area. If there are no questions on the bill, I would move for a favorable vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator D'Arco.

SENATOR D'ARCO:

Why don't you make it a Class X felony like all our other bills 'cause then we would be consistent, you know. What is...a trespasser, are we talking about someone who trespasses on airport property without, you know, is that what we're talking about?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nedza.

SENATOR NEDZA:

That is correct, Senator, and I don't think we should go into the severity of a Class X when we're just trespassing on land.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator D'Arco.

SENATOR D'ARCO:

This makes it a Class A misdemeanor for people who are caught trespassing on airport property, is that correct?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nedza.

SENATOR NEDZA:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator D'Arco.

SENATOR D'ARCO:

Well, I can't support it, I really can't.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond.

SENATOR NIMROD:

Senator Nedza, I had a call from FAA this morning, are you sure they're in support of this bill?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nedza.

SENATOR NEDZA:

The last notification I had from them, yes, Senator, they were, as a matter of fact, they were going to be down here, but they didn't think that there was going to be any adversity to it so they felt that they would stay in Chicago.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

Yeah, I...I, you know, I don't know if you would like to take this out of the record or not, is this your first bill?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nedza you may respond.

SENATOR NEDZA:

Yes, it is, Senator.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further...Senator Chew.

SENATOR CHEW:

Listen, as Chairman of Transportation, I've been in contact with the transportation experts in Washington as of this morning and we were in phone contact, and they asked me to ask this Senate please do not pass the bill because it would encroach on not only your civil rights, but your constitutional rights. And...and I've got...I've got the Secretary of Transportation out

there in the hall waiting to see if anybody votes for this bill, then all the trains and planes are going to stop running.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Nedza may close, if you wish.

SENATOR NEDZA:

All I would request of you, Ladies and Gentlemen, is a favorable vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is shall Senate Bill 324 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question the Ayes are 51, the Nays are 3. Senate Bill 324 having received its constitutional majority is declared passed. Senate Bill 325, Senator Nedza. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 325.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

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

SENATOR VADALABENE:

Yes, there was button problems again on that last bill. Had I known that people were going to play a piano with it, I would have left it at green. However, during the first course of the piano lesson, it was red, green, red, green, red, green. And when you took the record, it was red. I want the record to show that I would have voted Aye.

PRESIDING OFFICER: (SENATOR DONNEWALD)

It will be recorded forever electronically. Same request... tell the Secretary...if the members would tell the Secretary, he'll arrange that. Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

Senator Nedza, is this Senator Nega's first bill?

PRESIDING OFFICER: (SENATOR DONNEWALD)

No, he hasn't described the bill yet. Senator Nedza, you may proceed. We've got to get moving.

SENATOR NEDZA:

Mr. President and Ladies and Gentlemen, I am the hyphenated sponsor of this bill but in reality, Senator Nega, who is not with us because of a recent heart attack, it seems rather odd that at the time that he was proposing this bill, and this bill is an Act that requires all medical personnel, nurses, paramedics, firemen, and policemen and including the voluntary and auxiliary firemen, to be certified in cardio-pulmonary resuscitation, which is a properly trained and certified person to provide emergency treatment in case of heart attacks. It's a sort of a sentimental thing because of the fact that Senator Nega is not with us, he's still recuperating from the heart attack that he received after being down in the Senate a short time, but I would also ask a favorable vote on this.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is shall Senate Bill 325 pass. Those in favor vote Aye. Those opposed Nay. The voting is open...voted who wish? Have all those voted who wish? Take the record. On that question the Ayes are 47, the Nays are none, 1 Voting Present. Senate Bill 325 having received a constitutional majority is declared passed. Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

Mr. President, I apologize for raising...for rising at this late date, but I would like to be shown as a cosponsor of Senate Bill 325, if the sponsor...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there leave? Leave is granted. Senate Bill 326, Senator Lemke. Senate Bill 327, Senator Lemke. Senate Bill 328, Senator

Bowers. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 328.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bowers.

SENATOR BOWERS:

Thank you, Mr. President. This bill is intended to bring the law into conformity what most of us thought it was up until some recent court decisions and that is that the trustee or fiduciary is not responsible from his individual assets for any judgment that takes place merely because he happens to be a trustee or fiduciary. What it does not do is cover any area where there is a contract or where there is negligence or any tort area at all. I know of no opposition to the bill. It passed out of committee unanimously. Unless there are questions, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Question is shall Senate Bill 328 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question the Ayes are 55, the Nays are none. Senate Bill 328 having received a constitutional majority is declared passed. Senate Bill 330, Senator Vadalabene. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 330.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Vadalabene.

SENATOR VADALABENE:

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

Senate Bill 330 provides that the township highway commissioner as an elected official, is a separate entity of local government. Only the highway commissioner has the authority and the responsibility to maintain the township roads. And naturally it follows that the highway commissioner should prepare and adopt the budget that is to govern the discharge of his statutory duties. Secondly, the trustees have no knowledge of the work necessary to discharge the highway commissioner's responsibility of maintaining the roads under his jurisdiction. At best, whatever knowledge they would have, has to come from the highway commissioner himself or would be knowledge shared by the community at large. Therefore, to place the trustees in control of the highway commissioner's budget unrealistically places this authority on a group who does not have the knowledge, experience, or responsibility of the highway commissioner. And finally, compounding the problem is the fact that this places trustees in a position of having complete control over the highway commissioner in the manner in which he discharges his responsibility. The trustees can literally dicate what the highway commissioner does and therefore, places the highway commissioner in a position that is subject to their every whim. Experience has shown that politics enters into the relationship because of this unique situation and that trustees will not approve budgetary items simply because they hope to embarrass the highway commissioner for any number of possible reasons. The law should place the authority to adopt the budget where the responsibility lies in the highway commissioner. He, in turn, is subject to the vote of the electorate, the ultimate authority, a group not so readily influenced or motivated by political consideration and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Moore.

SENATOR MOORE:

Thank you, Mr. President and members of the Senate. I am very well familiar with this bill inasmuch as that I was the sponsor of the bill about twelve years ago when I was Chairman of Counties and Townships in the House that took the authority away from the highway commissioner and vested it in the Board of Auditors. At that time, there were some abuses that came to the committee's attention where a highway commissioner would go further off than he should. It now appears that there are more abuses by the Board of Trustees in our townships who have control over the...the appropriation and budget making aspect of the road district commissioner. There are more abuses today than there were twelve years ago when we changed it. I am willing to support Senator Vadalabene in the passage of Senate Bill 330. It has come to my attention that there, as I said before, there are more abuses now than what there were when we changed it twelve years ago, so I would urge support of Senate Bill 330.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator McMillan.

SENATOR McMILLAN:

Mr. President, members of the Senate. I would rise in opposition to Senate Bill 330. Admittedly being a township road commissioner is not a glamorous or high-paying or rewarding position to run for and be elected to. On the other hand, the abuses that occur when a township road commissioner is not accountable to somebody else for his funding, are abuses to the people who reside in that township. If we are to take away the right of the township auditors to approve the budgets and so forth of the township road commissioners we leave somebody who is a veritable czar in his ability to decide what he wants to do for his friends or not do for those who he doesn't happen to like in his particular township. The abuses are bad enough against

residence of the township as it is. I can remember one particular instance last winter when the snow was a bad problem, when there was one particular resident who the township road commissioner in the township next to me didn't really want to...to clean out. The baby had to be taken out on a sled across several miles in order to...to be somewhere where he could be protected. And the township road commissioner very arrogantly went all over the township saying by God, he wasn't about to plow that couple out. Were it not for the authority that the auditors have to have some veto power over his budget, he would never be held accountable and he is being held accountable after the fact. So, I understand that there is possibility for abuses when the auditors do have some control over the road commissioner. If we change it back then, the road commissioner is really accountable to nobody and those are jobs which...which admittedly you just don't get people jumping at a chance to serve in. So, even though I know this bill is well intended, I think so that there will not be abuses against people who are residents of townships, I would call for a No vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Wooten.

SENATOR WOOTEN:

Thank you, Mr. President. I, too, rise in opposition to Senate Bill 330. I would simply ask my colleagues to remember that one of the fundamental principles of all legislative bodies is that of collective judgment and we have always placed fiscal responsibility, final fiscal responsibility in a legislative body. We don't let the sheriff arbitrarily set his budget. The county board does it. We don't let the Governor arbitrarily decide how much money the State spends. The Legislature does it. We should not let the road commissioners decide on their own what their budget would be. They should be subject to the collective

judgment of the town board and for...for that very cogent reason, there may be instances where whole town boards have gone awry but it is less likely that you will make serious mistakes when you have collective judgment than when you leave something this important to a single person. So, I urge the defeat of 330.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there...Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Well, I rise in support of Senate Bill 330. Those of us who live in rural communities really know better than most how dependent we are for good maintenance of roads, whether or not the township road commissioners is doing the job and if he doesn't do the job and he isn't cooperating with the total populous, we just get somebody else to run against him and it's not that difficult. He's elected every four years and in too many cases, the Board of Auditors have hamstrung the road commissioner and made him look bad, even though they wouldn't supply...not supplying him with sufficient funds to do the job in the township so I think we've fared pretty well in years past by letting the road commissioner develop his budget. If he gets out of line, we can vote him out of office.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I'd like to briefly echo Senator Weaver's sentiments. We had a situation in my area where a particular, well, a series of town boards had been in effect, keeping a road commissioner from having any funds and along comes the blizzard of '79 which my friends from Chicago are so accutely aware of and in one township, lo and behold, who do we have petitioning the road commissioner to do more? The very people who didn't give him the money in the first place. This is an elected official.

He's accountable at election time just like you and I are. By the way, this is a separate road district which is separate, of course, from the township levies. He takes the heat, the people can pitch him out. They know whether the road is plowed, they know whether the road is patched. He ought to have the authority to go with the responsibility. I think this is a good bill and I intend to support it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Knuppel.

SENATOR KNUPPEL:

Well, I think Senator Schaffer and Senator Weaver said it. Where the responsibility lies is the person who should have charge of this and the public are full-well and aware of whether he does his job. Certainly, the...the road commissioner of a township is one of the most automatic people with one of the most...some of the greatest power of any individual, but he is a person who has to put it on the line and if he doesn't deliver, why, then, he's the person that's voted out of office and I say this is good legislation. I have several township where there's ongoing fights between the Board of Town Auditors and other township officials about signing orders, et cetera. And I think it should go back to the highway commissioner. He should be the responsible party and it's good legislation.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

Mr. President and Ladies and Gentlemen of the Senate. It seems to me that if we want to have good township government, if we want to have a government that the people can look to with some respect, they would have to look at one authority. I realize and I understand the problems that come in with some of the different townships, we have different personalities. But I think what we need

to say is this township government is the closest government to the people. I think we ought to maintain its strength and it ought to be in one integrity and I don't think we should pass a bill that kind of destroys the...where they look to for one individual. We'll someday get highway commissioners going off in their own direction, town boards going off in their own direction, assessors going off in their own direction. We don't do that in our villages, we don't do that in any other government and as much as I hate to see it, I think the highway commissioner is part of township government and he ought to be accountable to the board as well as the people.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Vadalabene may close.

SENATOR VADALABENE:

Yes, I just wish a favorable vote on this legislation and in the final analysis, it's always the trustees who will... who approves a highway commissioner's bills. So, there is... there is someplace there where they have some voice and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is shall Senate Bill 330 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question the Ayes are 32, the Nays are 20, 1 Voting Present. Senate Bill 330 having received a constitutional majority is declared passed. Senate...Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

I move to reconsider the vote by which Senate Bill...

PRESIDING OFFICER:(SENATOR DONNEWALD)

Heard the motion. Those in favor indicate by saying Aye. Senator Vadalabene moves to...that lie upon the Table.

Those in favor indicate by saying Aye. The Ayes have it. Senate Bill 331, Senator Walsh. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 331.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Walsh.

SENATOR WALSH:

Mr. President and members of the Senate. Senate Bill 331 addresses itself to a question that we have debated in the Senate over the past few weeks, that is the...the legal drinking age for the beverages beer and wine. Senate Bill 331 would provide that municipalities and counties may increase the minimum age requirement for the sale, gift or delivery of beer and wine to age twenty-one by adoption of an ordinance. In effect, it extends the same authority to non-home rule units that home rule units have under the present law. I believe it is a good compromise. It...it may not satisfy those of us who wish that the drinking age be increased to twenty-one, but it does, at least, address itself to the problem and it would ...it would answer the...the question and the problem that's raised when home rule units such as the City of Chicago increased the drinking age to twenty-one and then all those who are desirous of drinking beer and...beer and wine the age is nineteen and twenty, then go to suburbs and the surrounding area. The same thing would be true of any other home rule unit where non-home rule units in the vicinity must continue to...to serve people ages nineteen and twenty. I believe it's a good bill and I would urge your favorable consideration.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 331 for obvious reasons. I have opposed the...the return of the legal drinking age to twenty-one but more importantly than that, I think, this bill represents, I think, a dramatic change in philosophy. Senator Ozinga has testified and has spoken at great length and with great eloquence concerning the chaotic condition if all the municipalities and counties did a different thing and so his bill would apply State-wide. The other part of this is that we are here by virtue of Senate Bill 331, granting communities and counties who have had the opportunity in many instances, DuPage, for instance, had the opportunity, to opt to become home rule units and they chose not to. Now, they want the best of both worlds, they would like to have home rule powers and not have any of the home rule obligation. I think it's a bad philosophical idea and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Nimrod.

SENATOR NIMROD:

Mr. President, Ladies and Gentlemen of the Senate. Senator Walsh, the problem with the bill here seems to me that we are kind of diluting the efforts of Senate Bill 2 and those of us that want to vote for that bill, find ourselves in a dilemma, I would think. I would hope that you might be able to hold your bill until we have a chance to vote for Senate Bill 2 and if it doesn't go this might be an alternative. But, in the essence, I think that we ought to give Senate Bill 2 a chance since it seems to do the total job that most of us are looking for. I would ask that you might give us a chance to do that before we have to vote on your bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Walsh.

SENATOR WALSH:

Mr. President, in response to the question, I have discussed this subject matter with Senator Ozinga and others and I will not move my bill in the House in...if Senator Ozinga's bill passes. I prefer Senator Ozinga's bill, personally. We have voted on it once, however, and it is temporarily stalled and I'm afraid that the vote on Postponed Consideration will be the last order of business so that we will have voted on all 3rd reading bills before...before we vote on bills that are on the Order of Postponed Consideration. So, I have indicated to Senator Ozinga that this is...is an alternative and albeit in my mind, an unsatisfactory alternative, but better than nothing alternative to his bill. So, that is the position I take and I would hope that I would have your support as well as his on this bill because it is certainly better than nothing.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Buzbee. Senator Walsh may close. Just a moment. Senator Ozinga. I'm sorry.

SENATOR OZINGA:

Maybe we could settle all of this dilemma right now by calling Senate Bill 2 and suspend our rules and call it right now.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Walsh may close.

SENATOR WALSH:

I would be happy to take this bill out of the record and vote on Senate Bill 2, first. If that passes I would be happy to hold this bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is...the question is...Senator Ozinga, for what purpose do you arise?

SENATOR OZINGA:

I'd like to make a motion to suspend the rules, at the present time, and...for the purpose of going to Postponed Cosideration and calling Senate Bill 2 only.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

Well, I would point out to the Senator there are some seven hundred bills on the Calendar, many of which have not had the opportunity yet to be addressed and it just seems to me only fundamentally fair that everybody have their opportunity.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Knuppel.

SENATOR KNUPPEL:

Look, we're going to horse around with this thing a lot more. Let's either vote it up or vote it down. It's been there, it was one of the first bills introduced. I can't see where Bill number 1347 is entitled to the same consideration as Senate Bill 2. That bill has been there and what happened here one day we were short of bodies. Somebody had been here and I, myself, thought I had voted on my switch and some kid had been here over the weekend and the switch was locked. It was the first bill voted on and I didn't get recorded. Now, fair is fair and I think that you know, either the bill has got support or it doesn't have support. Let's get it the hell out of here. But don't monkey around with it and play games.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Ozinga.

SENATOR OZINGA:

I will persist in my motion to call the bill. Suspension of the rules for the purpose of going to Postponed Consideration at this time and ask for a roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Do we have unanimous consent of the Body? ...having unanimous consent, it does require thirty votes to suspend the rules for the immediate consideration of...just a moment. Senator Ozinga.

SENATOR OZINGA:

I'll ask for a roll call on that motion.

PRESIDING OFFICER: (SENATOR DONNEWALD)

All right. The question is shall...shall the Senate go out of the order of business to the Order of Postponed Consideration to consider Senate Bill 2? Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Take the record. On that question the Ayes are 38, the Nays are 13. Senate Bill 2...we now revert to the Order of Postponed Consideration for Senate Bill 2. The bill has been read. The Chair recognizes Senator Ozinga.

SENATOR OZINGA:

Mr. President, members of the Senate. I think we've argued this bill. I've lobbied with you all. I've pleaded with you all. I think this bill is morally a bill that should be passed and if after having considered all of the arguments and talked personally with you I should, at this time, receive thirty-nine votes. I respect the wishes of the President of the Senate when he says he wants to get bills off of the Calendar and as such, I think that we can go ahead and call the roll. And I would plead for an affirmative vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Egan.

SENATOR EGAN:

Now, I'm not kidding, Senator, and I don't mean to demean your position in this bill or your sincerity but what does it do?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Ozinga.

SENATOR OZINGA:

This bill raises the drinking age back to twenty-one years old. It does not preempt home rule powers and that is practically all that it does, but it is State-wide and uniform.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Question is shall Senate Bill 2 pass. Those in favor vote Aye. Those opposed Nay. The voting

is open. Have all those voted who wish? Take the record. On that question the Ayes are 38, the Nays are 13, 3 Voting Present. Senate Bill 2 having received a constitutional majority is declared passed. Senator Nimrod, for what purpose...

SENATOR NIMROD:

Move to reconsider the vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Motion is to reconsider and Senator Rhoads moves that that lie upon the Table. Those in favor indicate by saying Aye. Those opposed Nay. The Ayes have it. The motion is Tabled. Senator Walsh, do you wish to Table your bill?

SENATOR WALSH:

That's my legislative program, Mr. President. Just pass the bill, if you will.

PRESIDING OFFICER: (SENATOR DONNEWALD)

He means skip it. Take it out of the record. Senate Bill 337, Senator Regner. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 337.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Regner.

SENATOR REGNER:

Mr. President and members of the Senate. This bill has been mentioned a couple of times in debate already today. But what it does, it specifies that any agreement negotiated by the Department of Personnel affecting pay of State employees on or after July 1st, 1979, must first be approved by a majority of the General Assembly before it becomes effective. The approval would be by joint resolution. What this bill would do to make the Department of Personnel's Employee Relations Division, accountable to the Legislature. Currently, it's difficult to obtain necessary information from that Department...Division within

the Department concerning collective bargaining agreements. It's been felt very strongly by the members of the Appropriation Committee and two years ago by the entire Senate that the General Assembly should be made...should have the opportunity to participate and approve any negotiated agreements. After all, we are responsible for appropriating the monies and I certainly don't think that we should be nothing more than a rubber stamp for anyone. In other words, approving what has already been approved by a department within the Executive Branch. And I would urge a favorable roll call on Senate Bill 337.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Collins.

SENATOR COLLINS:

Mr. President and members of the Senate. I rise in opposition to this bill 'cause I really feel that this is an attempt to undermine collective bargaining. I'm clearly aware of the problem and I feel that the Legislature, in fact, should have something to say about negotiating contracts through the regular appropriation process and that contract should be negotiated time enough for those contract negotiations and expenditures to be included in the Department's budget. But I really feel that this is an attempt to undermine the whole collective process and therefore, I'm opposed to the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Proceed.

SENATOR BUZBEE:

Thank you. As I stated earlier in an argument on a previous bill, the time has come for the Legislature to have final approval on agreements that may be negotiated between the Chief Executive and Labor unions. Now, the fact of the matter is

Senator Collins just made an argument which would be a good one except that's in a perfect world, Senator Collins, and this world that we operate in is far from perfect. The Chief Executive starting with Governor Walker and continuing under Governor Thompson, has completely ignored, has never, ever negotiated a contract in time for our consideration of that contract in the appropriations process. In fact, they do just exactly the opposite. They negotiate the contract and put it out on the board after we've already been through the appropriations process so...deliberately, so we cannot have any input into it. I favor collective bargaining for public employees. I have historically. I have from the time that I first starting running for public office and have continued to do so. I also believe that public employees should have the right to get decent income raises as every other person who works for a wage should. However, we are constitutionally charged with the responsibility of appropriating the State's tax dollars. We are constitutionally charged with the responsibility of being able to say to the taxpayers, we have spent your money in what we believe is a fair and equitable manner. We can never do that as long as we do not have control of the process of...of formalizing contracts that may be negotiated between the Chief Executive and the unions. This will give us some slight hammer on what ultimately goes into contracts. It will give us some slight hammer on perhaps being able to eventually achieve more control over the appropriations process, the amount of control we were supposed to have, as spelled forth in the...in the Constitution, as set forth in the Constitution but which, in fact, has been erroded by the Chief Executive's continual negotiating contracts without our input. I think this is a good bill. I think it's high time and I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Wooten.

SENATOR WOOTEN:

Thank you, Mr. President. Senator Collins sees this bill as an attempt to undermine collective bargaining. I see it as an attempt to undermine the General Assembly. I asked my colleagues, if you really want to get involved in this kind of detail, it seems to me the rational approach...can we have some order, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

We have very little. Will the Sergeant-at-Arms clear the aisles. Will members be in their seats.

SENATOR WOOTEN:

Thank you, Mr. President. It seems to me the rational approach is for us to tell each department how much money they may have and then let them account for their stewardship in the appropriations process. And if we can't stick by that, then something is very much wrong with us. But to get us involved in approving or disapproving of collective bargaining agreements, we might as well be deciding how many typewriters they buy and what brand. I just don't think we ought to get into it and if we do, I promise you it will be something you will regret the rest of the time you spend in this Chamber. We have the means by telling the departments this much money you may have and no more and then stick by that. And then leave it to the department to account for their stewardship. I just don't think we should get involved in even this degree of detail because once you go down that path, it just gets to be like encountering the tar baby. We shouldn't do it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate. I rise in opposition to this bill for two reasons. First and foremost to save ourselves from ourselves. How many of you have been involved in collective bargaining on either side of the table? Good. Then you're all going to vote No on this bill because there's no way in God's good

Earth that we, fifty-nine votes, collectively can make a fair and just decision on a collective bargaining bill that we neither one sat on the side of the table to do the negotiations. If you want to deal with this, deal with it through the appropriating process. They've got so much money for so many jobs, then they know they have to correct their head count within that category. Let's not put forth a facade to the people that we're going to control collective bargaining by this process that we have to approve the contract after the fact when we didn't sit in on the negotiations.

I urge you to vote No.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Savickas. Senator Netsch.

SENATOR NETSCH:

I think it's ironic, Mr. President, that we, in the General Assembly, are ready to authorize and pass legislation with respect to the end result of the collective bargaining process before we have ever authorized collective bargaining by public employees. It seems to me it really is the tail wagging the dog. Quite apart from the fact that I think that it would be a disaster for the General Assembly as well as a confusion of the appropriate roles. There are other ways in which we can control the Executive and perhaps we ought to start thinking about them.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Will the Sergeant-at-Arms clear the aisle. Proceed. Is there further discussion? Senator Bruce.

SENATOR BRUCE:

Well, I just have been reading Senate Bill 337. I wonder if the sponsor would yield to a few questions. I...I hope...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will.

SENATOR BRUCE:

I hope she catches him. Just wonder in the first line it

says every agreement negotiated affecting pay shall not take effect, does that mean every agreement?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Regner.

SENATOR REGNER:

That's what it says. It says every agreement negotiated by the Director of Personnel.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

Well, I have more than a passing interest in the group insurance program and that is an agreement negotiated by the director which will take effect after July 1st, it's going to cost about twenty-two million dollars. That's a contractual arrangement we have with the group insurance provider in this State. Are you telling me that until we pass a resolution on that particular program of benefits that we're not...we're going to be in default on all the hundred and and twenty-two thousand enrollees under our program?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Regner.

SENATOR REGNER:

Well, Senator Bruce, I'd say it does give the...the Legislature a voice in those decisions also and I see nothing wrong with that.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

Well, I think that is the kind of problem I see with this type of legislation. No one has talked about group insurance, that is just one small aspect of State Government. But I don't think anyone wants to walk out of here on July the 1st, and that's when our new agreement goes into effect, and find out that no one is covered for group insurance in this State and Senator Savickas tells me we're not going to be out of here on July

the 1st. Well, that...that one goes into effect July the 1st and if you want to come back and debate it, that's fine. I've been on that commission eight years now and I have trouble keeping even four legislative members, that's how excited everybody is about that particular commission. We have two vacancies and if you want to come in and join us, I'm sure that Senator Rupp and I would gladly have you on the commission and will expand its...its authority. But I just wonder whether or not we want to do what is in this bill. Senate Bill 337 is going to involve us in fourteen already existing labor agreements. And how many more are we going to have in the years coming, I don't know. We hear all the time about the problems of full-time legislators and the pressure on the legislative bodies. The last thing that I want to do is go back with my people in Mount Vernon or in Effingham and sit down with them across the table and spend forty or sixty or a hundred hours with them negotiating what I think is a fair raise for a mental health employee at Mount Vernon. I'm willing for the department to do that. Under Governor Ogilvie they did, under Governor Walker they've done it, under Governor Thompson they've done it. They've done it maybe not the way I would want to have it done, but none of us are the Governor of the State of Illinois. He takes the heat for that kind of problem. Just seems to me if you want to become a full-time legislative body, pass this bill, bring all the State employees in here. Let's pack the galleries and let's include the firefighters and the electricians and the people at the University of Illinois on prevailing wage rates, let's bring in the Department of Labor and see if that's really the true prevailing wage. Let's bring in the Federal employees under BES and see what their benefit structure is and what they are going to cost us on July the 1st and let's really do all of that and I think the problem is we don't want to do all of that. We want to get back at a particular group of individuals and I think this is a step in

the wrong direction if Illinois is going to say to the Legislature we're going to negotiate all the agreements.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? Senator Regner may close.

SENATOR REGNER:

Just very shorly, Mr. President and members. Each one of the opponents of this bill stated basically the same think but a different angle. Stating how much will be involved if this bill passes. Wasn't that the oath of office we took when we were sworn into office that we were going to be involved and if we're responsible for appropriating money, we certainly should have some input into how much money we're going to appropriate and why we're going to appropriate those dollars. I think it's an excellent bill. I'm tired of being a rubber stamp for any administration regarding pay raises and I'd urge a Yes vote on Senate Bill 337.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is shall Senate Bill 337 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question the Ayes are 27, the Nays are 26. Senate Bill 337...there is a request for postponed consideration. The bill will be postponed. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

As a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DONNEWALD)

State your point.

SENATOR VADALABENE:

Mr. President...

PRESIDING OFFICER: (SENATOR DONNEWALD)

State your point.

SENATOR VADALABENE:

Yes, thank you, very much. The first grade class of the Emerson School at Granite City is in the east gallery and I would like for them to stand and be recognized.

PRESIDING OFFICER:(SENATOR DONNEWALD)

Please stand and be recognized. Senate Bill 342, Senator Hall. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 342.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is the results of the Legislative Audit Commission's audit package in 1978. It's supported by the State Community College Board of Trustees, the Illinois Community College Board and the Auditor General of the State of Illinois. It simply says that the Board of Trustees of the East St. Louis Community College provide an annual audit on the fiscal years when the Auditor General does not perform this audit and I have a letter from the Auditor General confirming that he will do this. I would ask your most favorable support of this bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? The question is shall Senate Bill 342 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all those voted who wish? Take the record. On that question the Ayes are 46, the Nays are 1. Senate Bill 342 having received a constitutional majority is declared passed. Senate Bill 343, Senator Berman. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 343.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is a housekeeping bill requested by the Chicago Board of Education. It would allow them to enter into contracts not to exceed one year which contracts could extend into the next fiscal year. These contracts must include a limitation on the amount to be expended and shall impose no obligation on the board except pursuant to written purchase orders. It applies only to requirement contracts which are contracts for a supplier to supply all of the material necessary for...of a designated type which the board needs. I'd be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate. I rise in support of this bill. This is an item which other school districts do not have the number to deal with and Chicago...it's a housekeeping bill. I urge our side of the aisle to vote for it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? The question is shall Senate Bill 343 pass. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. On that question the Ayes are 40, the Nays are 2, 4 Voting Present. Senate Bill 343 having received a constitutional majority is declared passed. Senate Bill 344, Senator Grotberg. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 344.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President and members of the Senate. Two years ago, I sponsored and we passed out of this Senate the Charitable Risk Trust Pool for the not-for-profit hospitals and nursing homes and other agencies, private agencies, that they may form a risk pool for their liabilities such as malpractice in the hospitals and regular liability insurance. It's been a most successful program and just in the first trust that's been established in the Chicagoland area, they have saved already in this Fiscal Year some five hundreds of thousands of dollars in premiums that can go into social service work. Following that, we are now seeking to add to that eligibility in Senate Bill 344 units of local government that perform services similar to the 501-C3 Federal Regs such as a county nursing home, the few county hospitals that we have, that they, too, may also either form their own or join an existing charitable risk pool. That's all this bill does. It's an excellent bill and I'll be glad to answer any questions. Otherwise, just take a favorbable roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there discussion? Senator Berning.

End of reel.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berning.

SENATOR BERNING:

Thank you. One question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will respond to one question.

SENATOR BERNING:

All local units of government are tax-exempt, but this then accomodates townships and counties and municipalities?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

It's all of them, and the language is exactly for our tax-exempt institutions that are entities established by units of local government whose functions are similar to 501C-3 organizations.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there further discussion? The question is shall Senate Bill 344 pass? Those in favor vote Aye, those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are none, one voting present. Senate Bill 344, having received the constitutional majority is declared passed. Senate Bill 345, Senator Grotberg. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 345.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

Yes, Senate Bill 345, Mr. President and members of the Senate, is the Commission on Children's Restitution Bill for juvenile delinquents, and it defines as a condition of probation, the concept of restitution. Of several bills around,

this is probably the best drafted one with the best protection in it. For the youngster, you can't employ him in a dangerous occupation...The principle is not necessarily to repay the victim, but to straighten out the kid, and the union amendment is on it. You can't use him to replace jobs in existence but it's for public service or community service at the judge's discretion. I'll be glad to answer any questions.

PRESIDING OFFICER:(SENATOR DONNEWALD)

Senator Lemke.

SENATOR LEMKE:

How would this affect the judge from ordering the youth or person who has written graffiti on a building. Last year, we passed a building law which said that a judge can't order a fine or order the youth to clean up that graffiti on that building. How would that affect that? ...graffiti he wrote on the building?

PRESIDING OFFICER:(SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

...the specific violations are not outlined in this bill. One of the...it adds section N, from A through N, to the probation options that the court has, and the violations are not...they have to be convicted of the misdemeanor, to say the least.

PRESIDING OFFICER:(SENATOR DONNEWALD)

Senator Lemke.

SENATOR LEMKE:

I think that this would have a great effect. The people in my area are very concerned about youths being...because the parents pay the fine but the youths have to do the work. They figure that if enough youths get out there and are forced to clean up the graffiti on these buildings and take care of the

vandalism work, then they will not do it again, and I think this bill will injure this concept because we're dealing with public buildings and schools that are under labor contracts to clean up things. And I think the idea of the bill is a good idea, and I think that this bill is contrary to that concept. That's why I'm voting against it.

PRESIDING OFFICER:(SENATOR DONNEWALD)

Is there further discussion? Senator ...Is there further discussion? Senator Grotberg may close.

SENATOR GROTBERG:

Before closing, Gentlemen of the Senate and Ladies, in answer to you, Senator Lemke, this does not preclude, this allows all of that...it allows all of that, exactly as you want it. The judge can tell them to do anything within the realm of, and certainly cleaning buildings is public service construed by this. I would just seek a favorable roll call for what I think is an excellent bill...an excellent attempt to give the judge discretion...to let the perpetrators of the crime remedy the harm.

PRESIDING OFFICER:(SENATOR DONNEWALD)

The question is shall Senate Bill 345 pass. Those in favor vote Aye, those opposed vote Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 1. Senate Bill 345, having received the constitutional majority is declared passed. Senate Bill 346, Senator Grotberg. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 346.
(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER:(SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President, and again, members of the Senate, for your patience...I'll never file 3 bills in a row again. This bill amends the County Detention Home Act, which, if you will recall, is a permissive act that counties may establish detention homes. Under the federal Juvenile Justice and Delinquency Prevention Act of 1974, we find that minors charged with status offenses, crimes only because they would...if they were adults, they wouldn't be crimes, have to be segregated out of such homes. This allows all the counties..about 11 or 12 counties that already have a detention home, to establish within that detention home or if they wish to do another one but only by full referendum, to establish a shelter care home for such kids that do not belong behind bars and in full security detention homes. The bill amends the County Detention Home Act and the Juvenile Court Act. I would like to try and answer questions.

PRESIDING OFFICER:(SENATOR DONNEWALD)

Senator D'Arco.

SENATOR D'ARCO:

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

PRESIDING OFFICER:(SENATOR DONNEWALD)

He indicates that he will.

SENATOR D'ARCO:

Senator Grotberg, some of the people from the Commission on Delinquency Convention...Prevention were concerned because this does affect Cook County Detention Homes on Roosevelt Road and Ogden, where many of the kids are housed now, and if it applies to ...which it does apply to, neglected children, as well as juveniles in need of supervision..minors in need of supervision, and not hard-core criminal-type juveniles. Are you going to let them out of that County Detention Home...and what they're worried about is that there won't be any place to house these

kids, once we let them out of these homes if this bill passes.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

I understand that, Senator D'Arco. The courts are about to make us do it, anyway, under the 1974 Act. The pressure is on, and the halfway house concept or the foster home care .. the alternative placements are available to the courts now. The most convenient and lowest cost one is in Audie Home, and it is new. This would allow them to open up the doors in a section of that home, and just give full passage. You can do it within the existing building, or if everybody needs it and people want to pay for it, to go ahead and build one. But, I raise those same questions in committee. Is this going to put the gun to the head of County Boards and the taxpayers to change an existing, relatively new home.. We have one in Kane County, also. Brand new, not nearly as big as yours, but from a standpoint of that, you can open up the existing home, take a floor or a few rooms, and just take the door handles off and open it in a non-secure situation.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Is there any discussion? Senator Grotberg, you may close if you wish.

SENATOR GROTBERG:

Roll call.

PRESIDING OFFICER: (SENATOR DONNEWALD)

The question is, shall Senate Bill 346 pass. Those in favor vote Aye, those opposed vote Nay. The voting is open. All those voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none. Senate Bill 346, having received the constitutional majority is hereby declared passed. Senate Bill 353, Senator Rupp. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 353.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. This bill amends the Insurance.. Illinois Insurance Code, and it provides that life insurance companies need not reprint their insurance policies, all their policies now, to show that they are required to pay the 6% interest on late payments. Last session, Senate Bill 1063 sponsored by Senator Knuppel, provided that life insurance companies had to pay that 6% on late payments, which is ... 15 days after a proof of loss, and the bill clarifies that the 6%, while it still has to be paid, does not have to be thrown in the policy. However, in response to a question by Senator Berman in committee about proper notification, an amendment was added to the bill, and requires the company to notify the beneficiary at the time of the claim that the interest will be paid. I ask a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? The question is shall Senate Bill 353 pass. All in favor vote Aye, all opposed vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, none voting no, none voting present. Senate Bill 353, having received the constitutional majority is declared passed. Senate Bill 354, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 354.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Mr. President, memberpersons of the Senate, there had been a considerable conversation and speculation whether red-lining does exist or does not exist. Senate Bill 354 permits a recording system which could be used as a data base to repute or substantiate those charges. It allows the Director of Insurance to force insurance companies to report lost data and non..non-renewables by zip code. I urge its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is shall Senate Bill 354 pass. Those in favor vote Aye, those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, none voting No, and none voting present. Senate Bill 354, having received the constitutional majority, is declared passed. Senate Bill 359, Senator Newhouse. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 359.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Yes, Mr. President, Gentlemen, this is a Legislative Advisory Committee bill, which expands the agencies which are required to meet with an advisor, Legislative Advisory Committee on Public Aid. It expands to include the Financial Fraud and Forgery Bureau of the Department of Law Enforcement, the State Board of Education of the Division of Vocational Rehabilitation. It also clarifies the subpoena power provisions of the Act. It authorizes the court to order the person who refuses to obey a committee subpoena to appear or produce documentary evidence

or to give evidence relating to the subject matter. That is the substance of the bill, and it's a good bill. I'd like a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator Moore.

SENATOR MOORE:

Thank you, Mr. President, members of the Senate, I rise in support of Senate Bill 359. This is a bill that was recommended by the Legislative Advisory Committee on Public Aid, and as far as the members on this side of the aisle, I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is shall Senate Bill 359 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 51, none voting No and none voting Present. Senate Bill 359, having received the constitutional majority, is declared passed. Senate Bill 360. Senate Bill 361, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 361.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President, my fellow Senators, Senate Bill 361 authorizes the University of Illinois to own and operate Energy Generating plants to service university facilities and to sell excess energy to others. This is..concerning state and private hospital facilities within the Medical Center district, which is in my district, and it's a transfer of

ownership from Commonwealth Edison, which owns and operates the steam plant to the University of Illinois, which would own and operate and sell its excess steam...and we have a lot of steam in the chamber, to all the facilities..facilities.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator Mitchler.

SENATOR MITCHLER:

Mr. President...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mitchler.

SENATOR MITCHLER:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR MITCHLER:

Senator D'Arco, is the University of Illinois up there...is that in your district..right near your home there?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

It's in Senator Weaver's district. The one that's in my district is the Circle Campus, which is an adjunct more than an entire, complete university, you know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mitchler.

SENATOR MITCHLER:

Well I...I would just want to make certain...I know your home is located right near there, and they weren't going to generate electricity in that..to furnish your home. You didn't have any conflict of interest in this, did you, Senator?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is that a question, Senator Mitchler?

SENATOR MITCHLER:

Yes, I...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Last Christmas, that's how I lit up my Christmas tree.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR GROTBERG:

Senator D'Arco, my concern is why do we need this legislation?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SNEATOR D'ARCO:

Well, after the war, after World War II, this is true, Commonwealth Edison and the University entered into a lease arrangement, whereby Commonwealth Edison would lease to the University the facility to supply the steam to the University and other facilities, and the loan that happened at that time has been paid off since then, and it was part of the agreement then that Commonwealth Edison, once the loan was paid off, would transfer ownership to the University, and that's why we need this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

My question then, Senator D'Arco, my second question... the State of Illinois has generating plants all over the state. We've got one of the finest electrical steam generating plants at Elgin State Hospital, at Geneva School for Girls...they're standing idle because they found later on a few years back, that

they could buy from Commonwealth Edison, and those plants have been idle, some of them for 10 years. Do we need a utility license or some such legislation as this to enable all of our abandoned electrical plants that the state owns to go back into business? I'm serious.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

I'm serious. Because this will give money to the University, and maybe, if you talk to the people from the University, we can earmark that money that they're going to get from selling the steam to try to save some of these energy generating plants. You know...I...really...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

I'm going to...I think it's a great bill. My concern is and I'll...when you get it into the House, maybe it's the vehicle to amend that can crank out a permissive legislation for all of our generators to start cranking out and selling their merchandise and liquidate some of the power costs. Thank you very much for your time. I didn't mean to slow up the proceedings.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Knuppel.

SENATOR KNUPPEL:

Well I just had one question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR KNUPPEL:

How do you get your name in all caps? Does that light up like the Christmas tree?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Senator Savickas asked me that question, and I think it's a misprint myself...I don't know why they did that, really...

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no further debate, Senator D'Arco may close..

SENATOR D'ARCO:

I'll finish now. You can vote on the bill...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...the debate.

SENATOR D'ARCO:

Vote for the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is shall Senate Bill 361 pass. Those in favor vote Aye, those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, and none voting Present. Senate Bill 361, having received the constitutional majority, is declared passed. Senate Bill 362, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 362.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Yes, Mr. President and members of the Senate, this bill is to correct the intent..what we wanted to do with House Bill 1803, the Cost of Living raise on retired teachers last year, and the way we passed it, we have a split time-one September 1, this will make it...excuse me, January 1, this will make it all the same date. It's recommended by the Pension Laws Commission. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is shall Senate Bill 362 pass. Those in favor 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 50, the Nays are 1, and 1 voting Present. Senate Bill 362, having received the constitutional majority, is declared passed. Senate Bill 363, Senator Egan. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 363.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President, members of the Senate, Senate Bill 363 will place into the Retirement Fund of the State Police, the police who are now employed by the Secretary of State, and this will accomodate the Office of the Secretary of State insofar as the amount of upgrading that they do with their police force. As you know, recently the Secretary's office has gone into the chop-shop operation, and they've investigated all the frauds involved with the use of driver's licenses and also in auto thefts. Now, they've also agreed with the State Police to augment their force insofar as the weight restrictions and the weight stations throughout the state. The augmentation and the upgrading satisfies the State Police force, so that they feel that the...the help that will be given to them and consequently the liability that may accrue in their system, they feel is justified. So, I...it's been through the Pension Laws Commission..it received a unanimous approval there, where it also received a unanimous approval in the Pensions Committee

and I ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is shall Senate Bill 363 pass. Those in favor 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 55, the Nays are 0, and none voting Present. Senate Bill 363, having received the constitutional majority, is declared passed. For what purpose does Senator Nimrod rise?

SENATOR NIMROD:

Mr. President, I would like to, on a point of personal privilige here, have a chance to introduce a guest that's with us. Representative Tom Stivers from the State of Idaho. He is Chairman of the House Judiciary Committee of that state, and there are 70 members in the..the legislature as I understand it. He's not a lawyer...I understand there's only one lawyer in the entire House. Yea! He is, however, a native of Illinois, and he's a board member of the American Legislative Exchange Council-ALEC, and I might ask if the President might introduce the guest sitting to my left.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, why don't you come up here and meet our membership.

SENATOR NIMROD:

Representative Stivers, would you like to go up to the podium?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Our fellow Senators, this is Representative Stivers, who wishes to acknowledge his presence here.

REPRESENTATIVE STIVERS:

Thank you, Mr. President, and Ladies and Gentlemen of the State of Illinois. You can't imagine what an extreme pleasure it is for me to be back in Illinois once again, after an absence

of, believe it or not, 51 years. I was born in Maroa, Illinois, between Clinton and Decatur, in 1918, left there in 1928, and have never been back until this year, and it's been an extreme pleasure to visit your state and see some of the relatives that we left here that many years ago, and visit with some of your great people of the State of Illinois. I do bring with me, of course, wishes from the State of Idaho, and I want you to know that we're shipping all the potatoes we can. We're not quite as short of potatoes as you are of energy, but if you have any extra diesel oil, send it west. We need it to pump those potatoes up. Again, thanks so much for letting me appear before your group. I know you don't have any big problems in Illinois like we have in Idaho. If you have excess knowledge or anything, we can accept that back there, too. Once again, thanks so much for having me with you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 364, Senator Bowers. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 364.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

Thank you, Mr. President. I would like to state to the Body that this bill does exactly what the Calendar indicates. It provides that where 2 or more offenses result from a single transaction or a continuing cause of conduct, they may all be tried and charged in any county where one of the offenses was committed. I have distributed to the membership a letter from Judge Steigmann from Champaign County, indicating the importance of this particular bill. What we're trying to get at is the situation where there is a..an abduction, for instance, and

the victim may be female and blindfolded, and she may be raped in several different counties on, and under the circumstances, cannot testify as to which county is involved. It..I should also call attention to the Body of the..the last page of that particular letter that indicates that there are Appellate Court cases that hold that venue is an element of the crime which must be proved beyond a reasonable doubt, and as the judge points out, this is a horrendous situation, where a procedural question only...is involved in an attempt to prove a particular crime. I realize there are some constitutional implications in this bill, and I would point that out to the Body..we think it's constitutional, but I certainly can't guarantee that. It is an effort to get at a very serious problem, and I would commend it for your consideration and would answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is shall Senate Bill 364 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 48, the Nays are 6, and none voting Present. Senate Bill 364, having received a constitutional majority, is declared passed. Senate Bill 365, Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 365.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 365 is a language clarification bill. At the present time, there is a difference between the Civil Service

Act and the Police and Fire Act for those persons who are on the original entrance list. If a person takes an entrance exam and becomes overage while he is on the list under the present statutes, he is covered under the Police and Fire Act, and may be appointed, but there are no provisions for a person who becomes overage while on a list under Civil Service. This bill will take care of the problem by providing that if a person is on the list and becomes overage..overage, rather, he may still be appointed until the entrance list expires, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is shall Senate Bill 365 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 48, the Nays are 1 and 5 voting Present. Senate Bill 365, having received the constitutional majority, is declared passed. Senate Bill 366, Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 366.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

..Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 366 is a companion bill, and we had to put an amendment at the request of the staff man from..Sandy Goldstein of the Pension Laws Commission, and what this provides is that the...it provides a minor change in the Pension Act to reflect that if a person is on an original entrance roster and becomes overage, he may still be admitted to the Pension system as it

reflects..as it is reflected in those sections that the Civil Service Act mention. The synopsis of the bill, unfortunately, does not reflect the intent of the bill, so I request a favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator Rock.

SENATOR ROCK:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will yield.

SENATOR ROCK:

Well, I don't know what the synopsis reflects, but you seem to be saying that if I am on the eligibility list, having taken the exam for the Fire Department, and I, during the course of my tenure on the list, I become overage before appointment, I can nonetheless be a member of the pension fund?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Rock, what this bill does, it allows those firemen who receive employment after age 36 and were employed by the Civil Service Act to participate in the fund.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, allow me to read Amendment No. 2. It says very clearly "If a person is placed on a list for service in a fire department and becomes overage before he is appointed," would suggest to me that he has never worked as a fireman, "he remains eligible for participation in a fireman's pension fund, as created, until such list is abolished." I just simply don't know what that means.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Rock, my understanding is what this means, it refers back to the section in the bill..hold on just a minute, sir...it refers back to...hold on a minute...rather than take the time, I wonder if I could take it out of the record, and I can verify what I think it means.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Take it out of the record. Senate Bill 376, Senator Geo-Karis. Senate Bill 369, Senator Berman. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 369.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 369 requires the Chicago Board of Education to suspend the certificate of a teacher who has been convicted of certain enumerated sex or narcotics offenses. What we've done by the amendment is to delineate the specific sections it applies to, and the purpose of the bill is to address the specific types of crimes that would be a potential threat to the children in the school as relates to the relationship with that teacher. I..the bill has been discussed with members of the Board, as well as with the Teacher's Union. I'd be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator Netsch.

SENATOR NETSCH:

Senator Berman, I do not have the text in front of me at

the moment. Would you just briefly review the particular crimes which the bill is now applicable to. I understand that it is limited in its application.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The following crimes would be the basis for the suspension of a teaching certificate: rape, deviate sexual conduct, deviate sexual assault, indecent liberties with a child, contributing to the sexual delinquency of a child, indecent solicitation of a child, public indecency, aggrevated incest, incest, prostitution, soliciting for a prostitute, soliciting for a juvenile prostitute, pandering, keeping a place of prostitution, patronizing a prostitute, pimping, juvenile pimper..pimping, obscenity, harmful material, and tye..tie-in sales of obscene publications to distributors.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you. I think the point comes through that they are offenses. There might be 1 or 2 that are questionable in terms of whether they really do involve the basic moral integrity of the person..at issue, but I think it is clear that most of them do involve activity which ought not to..or to which children ought not to be exposed, and I think on that basis, it's sound. The concern that some of us have had initially, if it were too broad, is that if we keep closing off every activity, every area of activity and employment to every one who's ever been convicted of any crime, then we do indeed force them back into the very thing that we're supposed to be getting them out of. I think that this one makes a good deal of sense in terms of its limitation. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Lemke.

SENATOR LEMKE:

How does this affect the 1st offender on..under the Illinois Controlled Substance Act?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

The...we have excluded possession of not more than 10 grams of cannabis, delivery of not more than 2½ grams, and excluded also, the person placed under first offender probation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Then it were...the first offender under the Controlled Substance Act, no matter what he was possessing, whether he's excluded, and he can still be put back as a teacher?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Yes. We felt that we'd be working at diametrically opposed purposes if we changed the criminal law to try to encourage rehabilitation under the First Offender Probation, and prevent this fellow or girl from pursuing his...occupation as a teacher.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

This means a man that's convicted and a heroin addict, can get back in as a teacher. Is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

No. This is only under the Cannabis Control Act that we're talking about the first offender.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Now, that would mean...would that mean...would that put a restriction as to how much he's caught with? What if he's a peddler of a couple of pounds in his possession when he gets caught selling...and he didn't sell it in school, and he still is selling it on the street...because he didn't violate anything around the school, he can still go back to school, and...Is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

I would defer to those who are more familiar with the items that a person could be placed under a First Offender Probation under the Cannabis Control Act. I..my impression was, Senator, and I admit that I am not totally familiar with the terms of that First Probation Offender status, that we're talking about a person that has been placed on probation for relatively minor violations of the Cannabis Control Act, not for heavy drugs..that would not be covered by that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Well, we're talking about all First Offenders, aren't we under the Cannabis..under the Controlled Substance? How can we make a special exclusion for guys that are convicted under the Controlled Substance Act..Is there certain sections of the Controlled Substance Act that they're convicted on, or is..they all convicted on violation of just the Controlled Substance Act?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Let me repeat. If there is a conviction for possession

of more than 10 grams of cannabis, delivery of more than 2½ grams, or if they were put under the..let me back up. If the person is convicted of possession of more than 10 grams of cannabis, or delivery of more than 2½ grams of cannabis, they could lose their teaching certificate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke. Any further discussion? Senator Daley.

SENATOR DALEY:

Mr. President, fellow Senators. In regards to this bill which I've supported in committee, I think finally it allows the Boards of Education throughout the state to evoke the teachers or principal upon conviction of a crime as Senator Berman stated. I would like to see this go further, in regards to narcotics, especially the first offense. When you place someone in line with the young people of our communities, especially a principal or teacher...violation of certain narcotics crimes, they should not be teaching the children. I would hope that an amendment would go on in the House to conform it to the Narcotic First Offense, so that they would lose their certificate in teaching, because in my district, I don't want them in my district. You can put them in your district if you want them, but the kids in my district should have the opportunity that a principal or teacher should not be convicted of a serious crime.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, Senator Berman may close the debate.

SENATOR BERMAN:

Thank you, Mr. President. I think the point Senator Daley raised is a..can be adequately debated in the House. We did address this..we did address this in a way that we thought responded to the comments that were raised in the Senate Education Committee. I think that this will merely leave the one area of the relatively minor drug offenses or the First Probation

SB371 3rd reading 5-15-79

status for full discussion there. Other than that, I think that it is a very important bill to pass for the protection of our children. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is shall Senate Bill 369 pass. Those in favor vote Aye, those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, and none voting Present. Senate Bill 369, having received the constitutional majority, is declared passed. Senate Bill 371, Senator Keats. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 371.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 371 is to be known as the National Guard Preference Act. This is legislation of national significance. It's a prototype bill-it will be used for other states. I've introduced this bill as one of three that I worked with the conjunction of the Army Readiness Command at Fort Sheridan, and with the active support of the Department of the Army, the Department of the Navy, etc. This bill, if we pass in Illinois, will be a prototype used as model legislation in the other 50..other 49 states. What the bill does, it says that an active member of the Illinois National Guard would receive a 5-point preference for Civil Service Employment if they apply for a state position, and .. after they've taken the Civil Service Exam, 5-points is added to their score. This bill does not cost the state a penny, and gives equal opportunity for all male or female, regardless of

race, religion, etc. And if we're to talk on the national level about the various problems we're having in terms of military preparedness, it is always beneficial if we at the state level can do things that will cost nothing, but clearly improve the nation's military readiness. I'd appreciate your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Martin.

SENATOR MARTIN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MARTIN:

The bill seems to indicate the Naval Militia is also involved. I have a faint recollection that they haven't been called up since 1937, isn't that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

I believe it's 1935. I believe you're in error. In terms of Naval Militia...if someone could correct me, does the Naval Militia in Illinois have 3 members, or something like that? We've tried to do away with that. I remember last year, I voted to do away with it, but I don't know exactly what its status is today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Martin.

SENATOR MARTIN:

Well then I would have to ask, I think, a legitimate question. ...Perhaps the rest of the bill is all right. Why, on God's green earth, would you include the Naval Militia, which hasn't been called up since 1935, to give preference on any entrance examination?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

The reason it's involved because it has virtually no members as it is part of the National Guard program, and if we are to call it the National Guard Preference, we must include Army, Navy, and Air Force. Now I would rather hope that Pancho Villa will not come up the Mississippi River in gunboats to attack us, because if we did, I seriously doubt that the Naval Militia would have the might to defend us. But we are, in reality, dealing with our National Guard, which is a substantial force, and it's only at about 70% membership now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Martin.

SENATOR MARTIN:

Again, so this also includes the Air Force? Well, since we aren't supposed to have a Naval Militia, you've excluded the Air Force, but you just said that you had to include the Naval Militia. Now, how could you not have to include one, and include the other?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

The Air Force National Guard is not excluded from the bill. If I said that, I was in error on my statement. It would not be excluded.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Martin.

SENATOR MARTIN:

Just so I've got it clear. So, a Naval Militia we don't want is included, an Air Force we don't have is included...an interesting bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Knuppel. For what purpose does Senator Keats rise?

SENATOR KEATS:

Explanation. Apparently, I...

PRESIDING OFFICER: (SENATOR SAVICKAS)

There wasn't a question, Senator.

SENATOR KEATS:

Yeah, I know, but apparently I said something a moment ago that was in error. We do have an Air National Guard. Apparently I said we didn't, and...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, you can make those remarks on your closing. Senator Knuppel.

SENATOR KNUPPEL:

I just wanted to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR KNUPPEL:

I notice that in the newspaper the other day, notwithstanding at that part of the media, that...that there was a bill that was under fire in the State of Massachusetts for doing exactly this thing, and that the decision was pending before the Supreme Court. Are you familiar with this, and has this bill been drafted in a manner that it might avoid the constitutional attack?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Am I aware of the Massachusetts case? No, I normally avoid anything Taxachusetts does. That's really not a good prototype for the country. In terms of the court case, we did research it specifically in Illinois over a year ago, in terms of where the bill would fit, and every provision would be constitutional and is specifically geared to have equal opportunity available to

all individuals.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Knuppel.

SENATOR KNUPPEL:

Well, I don't know what that case...it was just a blip in the paper, but apparently there are some constitutional questions about providing veterans' preferences on Civil Service examinations, and if it's true of veterans, I assume it would be true of members of the National Guard. I'm going to vote for the legislation, but I just want to make a record on the fact that it very well may be unconstitutional.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. Senator Keats, I would like to correct something that you said. There are more than 3 members of the Naval Militia. There..the officer to enlisted person ratio, by the way, is about 2 to 1-about 2 officers for every 1 enlisted man. There's something like 300 or 400 members of that organization. Governor Thompson appointed a gentleman to head that organization with the expressed intent of getting rid of it, and now that..that individual has become a strong advocate of the Naval Militia, so we're back at home plate again with a new batter up. I would like to ask a question. Why are you doing this for the National Guard for state Civil Service employment, and not including other members of the military?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

As Major Buzbee knows, Captain Keats is a member of the United State's Army Reserve, and No. 1, it might be a conflict, but in reality, the reason I'm not doing it is because the National Guard, specifically being a state agency, is technically the

Governor's Army, technically, and if we have an emergency, be it a flood or whatever, they're called up. I figure if they're working for the state, we won't miss them as much. In fact, if half the state didn't show up, no one would notice, but if they were in private employment, we have had serious problems with employers and legitimate complaints from those employers, that they don't feel that those individuals can leave their jobs...at the will of the Governor, which is what it is. So in reality, it's for those individuals who would be called up strictly in state service.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Well, I don't think that answered my question. My question is-why should we do this for members of the National Guard and not for members of the U.S. Army or U.S. Air Force or U.S. Navy or U.S. Marine Corps Reserve?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Well, basically there are 2 reasons. 1, if I include the Reserve, I can't pass the bill, and No. 2, in reality, the Guard is our Illinois agency, where the Reserves, why as you are well aware from your assistance to me on another bill,... while I do feel that the Reserves are very inportant, it's a different situation in their calling..when they're called up then from when the National Guard...The National Guard can be called up for 2 weeks at a stretch. When we bring up the Reserves, we're bringing them up for you know..substantially more than 2 weeks.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Well, I would just like to point out..First of all, I would

like to have a National Guard bill in here sometime that I could support, because I really do feel I'm supportive of the National Guard, but it seems like the bills we get keeps wanting to give the National Guard an extraordinary type of advantage over anybody else who served in the military services, and I don't find that quite fair. We now pay National Guardsmen a minimum of $40 a day when he's called up for State Active Duty, that is by State Law. Any person who belongs to the Marine Corps or the Army or the Navy or the Air Force Reserve..if they are not ofsuch a rank to earn that type of money, they don't earn near $40 a day when they're called up, but that's really kind of beside the point. The real point is a National Guardsman spends 6 months on active duty, and then spends 5½ years, 1 weekend a month, 2 weeks during the summer, and if necessary, may be called up for State Duty..for flood control or whatever. But why should we give an extraordinary sort of advantage in a testing situation to somebody who has only spent 6 months on Active Duty? I don't really understand why we have to do that. If they can take the test in a competitive situation and score a sufficiently high grade and can be hired, then fine, but why should we give them an extra 5 points? The old idea that the Federal Government established several years ago of 5 points extra for a veteran was aimed at that veteran who had spent 2 years minimum or 3 years or 4 years service to his country, not somebody who had spent 6 months, and so I'm really confused as to why we ought to do this, and I just think it's a bad concept.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion. Senator Wooten.

SENATOR WOOTEN:

Thank you, Mr. President. I rise in opposition of this bill. I do not think it appropriate. There is a very good reason for giving preference to veterans of the armed forces. That has been a long established practice-5 points if you are

not disabled, 10 points if you are disabled. To give 5 points for service in the National Guard seems to me to be inappropriate when placed on the scale of preference given veterans. May I also point out, Senator Keats, you have not solved the problem of double preference in your amendment. I think it is still possible that someone could receive double point..double points for service to the armed forces and in the National Guard. They could be added together. I don't believe you've cured that with your amendment. I have been quite supportive of the National Guard in this state. If you'll recall, I..we had quite a bit of discussion on a bill I had to give them scholarships to recruit people into the National Guard. I believe in that, and I would like to expand that program slightly. But I just don't think this is the appropriate way to go. I don't see what the service is in the National Guard that merits this preference. You're talking about the same kind of preference you give a veteran of the armed forces. I don't think the 2 are comparable. I just don't believe we should do this. We have enough difficulty in our Civil Service situations, particularly when we are trying to give women an opportunity to move into Civil Service positions. To expand the Veterans Point Preference Program I think is inadvisible, and if this is model legislation, it is not a very good model.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mitchler.

SENATOR MITCHLER:

Thank you, Mr. President, members of the Senate. This is a very good bill. As Senator Keats pointed out, it does not provide for dual veterans preference. The Federal Veterans Preference covers the Army, Navy, Marines, Coast Guard, Air Force, and what have you. This is providing for our Illinois National Guard and Illinois Naval Militia the veterans preference, and I might add that you have a very large number of women that are

enlisted in the Illinois National Guard at this time. Now this is our peacetime first line of defense, and their activities and the jobs that they're called upon to do are numerous and are very honorable. This provides for a recognition of those efforts. It will be another inducement for them to get out and get additional enlistment and encourage membership in the Illinois National Guard and Illinois Naval Militia. Rear Admiral Stormy Webber, Alvin Webber, who is also the executive director of the Illinois Federation of Independent Colleges and Universities, was appointed by Governor Thompson to be the commandant of the Illinois Naval Militia. There are a number in there. But..this is a good concept and recognizes the good work of the National Guard and I won't go into the detail on all of the fine things that they do, and I'd ask for your support of Senator Keats's bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I think the fact that we must recognize that in today's Volunteer Army, we find that there are vacancies, both in the National Guard and the Reserves, and the regular Army. It is certainly a desirable kind of thing to attract those who want to enlist, either in the Reserves or the Guard, to the National Guard. It seems to me that this is offering an incentive after an individual has served 3 of his 6 years to offer him an opportunity if they choose to come into state government. You know, if we don't have this..if we don't have a kind of incentive over and above the Army Reserve and the National Guard, of course, can be called in without federalizing them, we find that we're going to have a 2nd-rate National Guard. If we in Illinois are not concerned about making our Iliinois Guard a better and certainly an attractive place to enlist, and certainly we are not going

to get a desirable kind of people. It costs us nothing. It provides an incentive, and I think that it is in the best interests of the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any further discussion? Senator Wooten, for the 2nd time. Senator Keats may close the debate.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like to close by saying this is true, this bill is a national prototype, because in America today, in the various National Guards in various states, there is clearly a problem with recruiting. Our young people don't feel quite the obligation to their country that they once did, and it is necessary for us to find a way to make service to the state or to the country more valuable and easier to get individuals in. This bill enhances the recruiting capability of the Illinois National Guard, and would set a precedent nationally. In terms of the entire Veterans Preference issue, I now realize what Senator Knuppel was talking about, and I apologize for having missed it at that time. The Veterans Preference issue is being questioned on a constitutional matter. The National Guard preference would not be, because it deals with people who join today, and is in no way discriminatory on race, sex, etc. Therefore, there is no way this would be declared unconstitutional in the same way that the Veterans Preference has been questioned. Again, it costs nothing. It gives everyone a fair and equal opportunity, and what all..I did want to mention the last point in terms of the double benefit. The 2nd Amendment cleared that up, and there's now no possibility there can be double amendment. With that, I would request your support for this bill to benefit the Illinois National Guard.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is shall Senate Bill 371 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 28, the Nays are 19, and none voting Present. Senate Bill 371, having failed to receive the constitutional majority, is declared lost. Senate Bill 377, Senator Regner. Senate Bill 378, Senator Nash. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 378.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nash.

SENATOR NASH:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 378 permits the sale of an acoholic liquor in any building used as a State Armory under certain conditions, such as the adjutant general..written..adjutant general...to the issuance of a license to sell alcoholic liquor in such a building should be filed with the Liquor Control Commission, also the alcoholic liquor is sold or dispensed only in connection with a organized function held on a special occasion. The organized function is one for which the planned attendance is more than 25 people, and also the person running the function must supply the state with Dram Shop insurance.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is shall Senate Bill 378 pass. Those in favor vote Aye, those opposed vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 1, and 4 voting Present. Senate Bill 378, having received the constitutional majority, is declared passed. Senate Bill 385, Senator Rupp. Senate Bill 388, Senator

Daley. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 388.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Daley.

SENATOR DALEY:

Mr. Chairman, Senator..and fellow Senators, this is a Dangerous Drug Commission Bill in regards to placing the drug Palwin on Schedule 3. It would require a triplicate form. It's a..only could be used for medical use, and has a high potential for abuse, that's why you need triplicate forms. It also places the drug known as Angel Dust on a schedule 1, conformswith federal regulations. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is shall Senate Bill 388 pass. Those in favor vote Aye, those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, and one voting Present. Senate Bill 388, having received the constitutional majority, is declared passed.

End of Reel #3

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senate Bill 394, Senator Vadalabene. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 394.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 394 amends the Industrial Building Revenue Bond Act and would increase the allowable rate of interest for Industrial Building Revenue Bonds from the present eight percent to ten percent and I appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 394 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 50, the Nays are None and none Voting Present. Senate Bill 394 having received the constitutional majority is declared passed. Senate Bill 402, Senator Rupp. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 402.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Senate Bill 402 would allow park districts to issue Revenue Bonds for the purpose of

constructing or expanding an airport or a landing field. The park board is required under the Act to adopt an ordinance, describe the project, give the specifications and also set forth the maturities and the interest rate, which cannot exceed eight percent a year. The Illinois...Park District supports the bill. Senator Knuppel has a bill similar to this. The differences are he has the nine and a half percent interest, ours has an eight and we have already have an airport and there's some question as to whether or not the other bill would just be for construction. We are interested, not only in construction but in expansion. We ask a favorable roll call.

PRESIDING OFFICER:(SENATOR SAVICKAS)

Is there any further discussion? Senator Rhoads.

SENATOR RHOADS:

A question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR RHOADS:

Senator Rupp, this relates to the...Senator Knuppel's bill. You said the only differences were a different percentage rate, number one, and what was the other difference?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Our bill...I think the wording of it includes expansion and not only construction of...of airports but it also says expansion and there wasn't...there was some question as far as the legal people in the Decatur Park District as to whether that word had to be in there. We asked that it be put in.

PRESIDING OFFICER:(SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Two other quick questions, Senator Rupp. I have to ask you the same thing that I asked Senator Knuppel the other day. Number one, does it affect...number one, does it affect Cook County, specifically the Cook County Forest Preserve District and number two, where did the bill come from? Who wants it and why and so forth?

PRESIDING OFFICER:(SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. No, it...the only park districts that it would affect are those that have airports. If they have one, it might affect them. This situation as far as some park districts having airports dates way back when they were starting to set up these smaller airports all over the country and some of the governmental units, the local units were not interested. The city or the county were not interested in getting into that business. They then went to the park districts and in some areas the park districts did accept that responsibility. I think there might be six, seven, eight or so in the entire State. This came from the Park District in the City of Decatur. That's where this bill originated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 402 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 44, the Nays are 5 and 4 Voting Present. Senate Bill 402 having received the constitutional majority is declared passed. Senate Bill 403, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 403.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate. This bill is due to one, possibly two employees when there was a change from the...U.S. Department of Agriculture to the State Department. These were inadvertently left off. The Pension Laws Commission recommends this bill. I appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 403 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 9 and none Voting Present. Senate Bill 403 having received the constitutional majority is declared passed. Senate Bill 404, Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 404.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 404 will increase the membership of the Illinois Industrial Development Authority from seven to eight. It would include the Chairman of the Economic Development Commission or his...designee as an ex officio member of this commission. If there's any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not...Senator Rock.

SENATOR ROCK:

A question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates...he will yield.

SENATOR ROCK:

I just wonder, we...we have for some time around here been opposed or not opposed but questioned always...even numbered boards, why are we not questioning the even...this even numbered board?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, Mr. President, this is an ex officio member, mainly for liaison communications between what the commission is trying to accomplish and what we might try to do to help create more jobs in the State of Illinois. I don't know that there's any... that he would have any voting powers on the commission, just mainly liaison purposes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 404 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 48, the Nays are 1 and none Voting Present. Senate Bill 404 having received the constitutional majority is declared passed. Senate Bill 405, Senator Chew. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 405.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. It does just what the Calendar says. It deals with the Motor Fuel Tax on aircraft fuel and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate. This is the same bill we passed yesterday, but I thought it was not a very good idea then and I oppose it today for the same reasons.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator Rhoads.

SENATOR RHOADS:

Just to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR RHOADS:

Senator, in its present form is Senate Bill 405 identical to Senate Bill 201 that passed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Well, then the next question is, why are we passing it twice?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

We're not passing it twice. We're passing a bill that's identical to one that has been passed. We want to present both of them to the Governor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rhoads.

SENATOR RHOADS:

Is this bill, in your opinion, and you are a keen observer of the legislative process, in your opinion would this bill likely to be...remain unamended over in the House?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

No one has notified me of a pending amendment in the House nor here in the Senate, Senator and if I get a notification I'll be glad to notify you and see what the amendment is.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 405 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 41, the Nays are 8 and 1 Voting Present. Senate Bill 405 having received the constitutional majority is declared passed. Senate Bill 407, Senator Moore. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 407.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Moore.

SENATOR MOORE:

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

Bill 407 amends the enabling legislation of the Commission for Economic Development. It does four or five things. One, the...it provides that the public members, which are appointed by the Governor are...shall have the advice and consent of the Senate. It is the feeling that because of the importance of this commission that the State Senate should also have a look at the Governor's nominees. Secondly, it provides that the commission shall review the activities of the Department of Business and Economic Development or its successor agency and counsel and advise the director. It can study...have studies, make recommendations, conduct hearings. The commission shall have access to records and studies of other State agencies that instead of coming out with a biennial report, it will come out with an annual report and finally, that in the performance of the duties the commission may accept grants or funds from either the Federal Government foundations or public or private organizations. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 407 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 49, the Nays are 2 and none Voting Present. Senate Bill 407 having received the constitutional majority is declared passed. Senate Bill 409, Senator Chew. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 409.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Chew.

SENATOR CHEW:

Yes, Mr. President. This bill was amended for clarification and a definition. It does not increase taxes. It just allows the townships to set up these regional juvenile shelter care facilities and I ask for a favorite roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 409 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 49, the Nays are 3 and 1 Voting Present. Senate Bill 409 having received the constitutional majority is declared passed. Senate Bill 412, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 412.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DEANGELIS:

Thank you, Mr. President and other persons of the Senate. Senate Bill 412 was introduced to resolve a problem. In...in spite of what there appears to be a surplus of teachers in some areas there is, in fact, a shortage of qualified substitute teachers in certain specialties. What 412 does, it permits annuitants for retired teachers to teach ninety-five days a year instead of seventy-five days a year without the loss of their pension. I urge aits passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Buzbee.

SENATOR BUZBEE:

Senator, I wonder...my father is one of those people

who participates in that. He's a retired teacher and who teaches...substitute and...and up and so forth after...afterwards, but is that not going to have a major fiscal impact on what we're going to allow them now to continue drawing a full time pension and if we...allow them to teach ninety-five days, that's over half a year. So in other words, they can go ahead and draw full time teachers pension and then be employed. In reality...the...the School Code says you got to have a hundred and eighty days...a hundred and seventy-six actual class room days so the ninety-five days you actually are allowing...you're allowing half time employment and still be able to draw a half time salary and draw full time pension. Isn't that going to have a fiscal impact?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Buzbee, currently they're allowed to teach seventy-five days. They get paid on a per day basis. I think in our district it's about thirty dollars per day. This still keeps them under what...under what they can earn...the forty-five hundred dollars that they can earn. We're really moving it up twenty days more simply to take care of some serious problems that occur in certain specialties. Currently, they're permitted to work, by the way, in other fields without the loss of their...pension. It's only if they go back to teaching that they lose their pension. I don't know if I've answered your question, but...we're increasing it by twenty days.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 412 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 30, the Nays are 7, 3 Voting Present.

Senate Bill 412 having received the constitutional majority is declared passed. Senate Bill 414, Senator Merlo. Senate Bill 415, Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill...415.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In, especially, downstate Illinois there are a multitude of small utility companies, primary telephone companies and in those same communities it sometimes becomes necessary or desirable for people who own those companies to...to serve on a town board, et cetera. Currently, the Statutes will not allow this to happen and to also have a telephone in that particular facility. Now, there are some serious problems here in that if there's not a telephone in that particular town hall or whatever and these people are also serving on the fire department there's no way that they can even be notified of a fire or respond to that fire, so this...simply pertains to communities less than seventy-five hundred. These rates are...are still controlled by the Commerce Commission. I submit to you it's a good bill and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is...Senator Bruce.

SENATOR BRUCE:

Well, I...does this bill say that you can be a director of a bank and make deposits in a bank and still not have a conflict of interest?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

I believe that there was a...an amendment attached that indicated a director. Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

It seems to me Senator Philip and I spent a great deal of time last year on this particular bill. I'm not going to ask you to take it out of the record, but it...it seems to me that that's a fairly substantial change in the way we drafted the legislation to avoid conflicts of interest and we are now back to the situation where we can say that a director of a bank who serves as a city councilman can place on deposit money in that bank of which he is a director and I, frankly, think that goes beyond what I feel is...is proper government. We...there are choices that have to be made and that certainly is a conflict when you sit on both the city council and on the bank board. That's a fairly obvious conflict of interest and I...I don't think that's the sort of thing we ought to do without some degree of thought.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator Bowers.

SENATOR BOWERS:

Well, it says director but I thought it was limited to public utilities.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Mr. President, as I understood Senator Philip's amendment and it is not...he is not on the Floor at this time, I...I believe it did pertain to a bank. That was Amendment No. 3.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bowers.

SENATOR BOWERS:

I would like to address that issue. I think I know what Senator Philip was driving at. Our state's attorney...last time when we passed this bill we said bank officers. Our state's attorney in DuPage County has...has ruled that a director is not a bank officer, so this does not fundamentally change what we did in the last Session other than to add to the exemption bank directors in...in addition to bank officers and I think most of us thought that directors were officers. That's not the ruling of our state's attorney and that was the purpose of the amendment he put on and I would hope that it not fit the bill, frankly.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Well, when Senator Philip and I helped draft his amendment the...the limitation on officers of the S and L's and employees were those people who owned less than seven and a half percent and the way I read the amendment that a director would be excluded if he owned sixty percent of the bank or without limitation. I...I'm not quite sure it reads the way you and I think that it reads. The...the officers and employees were excluded if they owned less than seven and a half percent. I'm not sure that the directors given the placement of the comma ...if you own half an interest in a bank in a small community and serve both as city councilman and bank director. I'm not sure, Senator Bowers. It came upon me very quickly here this afternoon.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Senator Maitland may close the debate.

SENATOR MAITLAND:

Thank you, Mr. President. I think this is a...legislation that addresses itself to several small communities where, in fact, it is difficult to find capable people to serve in... these capacities. I see no problem with this. I might just respond to Senator Bruce. The only thing we do say here...in this particular area is and directors and that still is in the seven and a half percent so I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no further discussion, the question is, shall Senate Bill 415 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 none and 8 Voting Present. Senate Bill 415 having received the constitutional majority is declared passed. I understand it's Senator Maitland's first bill and very impressive. Senate Bill 416, Senator Martin. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 416.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Martin.

SENATOR MARTIN:

Yes. This is the first of a series of three bills introduced on behalf of the Joint Committee on Administrative Rules. This particular bill mandates the Regional Superintendent of Schools to check the permits of school bus drivers and also sets up an alternative in those districts that only have one bus company in addition to termination of contract that will allow them to enforce this particular mechanism and I ask your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 416 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 52, the Nays are 3 and none Voting Present. Senate Bill 416 having received the constitutional majority is declared passed. Senate Bill 417, Senator Martin. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 417.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Martin.

SENATOR MARTIN:

This is a clarification of the Statutory language. It affects the City of Chicago elections proceedings. This is what they already do and we are just making sure that the Statutory language reflects an excellent practice of the Chicago Board of Elections.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 417 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 49, the Nays are 0 and none Voting Present. Senate Bill 417 having received the constitutional majority is declared passed. Senate Bill 418, Senator Martin. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 418.

(Secretary reads title of bill)

SB 419
3rd reading
5-15-79

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Martin.

SENATOR MARTIN:

This affects the Public Aid Code...legislation that was passed effective December, 1977 gave legislative intent to the termination of medical vendors, however the Public Aid Department has, thus far, refused to spec..fy in their rules and regulations what management responsibility is and other areas of the Act. This renews the legislative intent and specifies the department must define these as...our committee thought the Statute originally called for. I ask your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 418 pass. Those in favor vote Aye. Those opposed vote Nay. The votins is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none and none Voting Present. Senate Bill 418 having received the constitutional majority is declared passed. Senate Bill 419, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 419.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and members of the Senate. This bill and the next three bills are from a Joint Committee on Administrative Rules. This bill addresses a problem that the committee found itself confronted with and it's an outgrowth of the case of Stouffer versus Motor Vehicle Casualty. Basically,

the bill requires that agencies to include in their rules that authorize discretionary power standards and it requires the standards to be clear and concise so that any person affected by the agency's exercise of discretion will have notice of a criteria used in their internal rule making. Answer any questions, otherwise move for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Johns. Is there discussion? The question is, shall Senate Bill 419 pass. Senator...The question is, shall Senate Bill 419 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none Voting Present. Senate Bill 419 having received the constitutional majority is declared passed. Senate Bill 420, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 420.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Okay. Thank you. 420, 21 and 22 are part of the...the Joint Committee package as well. Basically, this bill gives the Board of Vocational Rehabilitation expressed authority over rule making by clarifying the Statutory language. There was some question when they had some rules as to whether they had the authority to so promulgate them.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 420 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 55, the Nays are none, none Voting Present. Senate Bill 420 having received the required constitutional majority is declared passed. Senate Bill 421, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 421.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. This bill makes some technical changes that clarify the scholarship terms. One year of service per each year of medical training and gives the Department of Public Health necessary authority to set the standards for so doing. Answer any questions and ask for a roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 421 pass. Those in favor vote Aye. Senator Berning, for what purpose do you arise?

SENATOR BERNING:

Well, I'm sorry, I wanted to catch your attention before you had announced the necessity of taking the roll call. My question has to do with the mandates here if I interpret this correctly, the mandating of a student to provide a certain type of service as the result of a scholarship having been awarded to him by the State Scholarship Commission. Now, while I agree it is laudable to attempt to capitalize on the talents of our students and the beneficiaries of our... of the State's largesse and the State's educational system I must question whether or not we are really acting responsibly

in, for all intents and purposes, shackling a student, a graduate to a career in a certain area, a certain spot and in a certain procedure which may not be to his liking. Now, if I am misconstruing the intent of this bill then I...I would like to be corrected.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Well, let me ask a question, Senator Bloom and...and perhaps, you...if you respond to it...it will also take care of the point that Senator Berning was raising. Despite what the caption says, is it not correct that the bill does not absolutely require that someone serve in a particular area who has received this scholarship that there is a way to avoid that and that is to pay a dollar penalty, which I assume, consists of repaying the money loaned plus...is it two or one time the original scholarship fund? The point being, of course, if there's no way to enforce a provision that the doctor serve in a particular area and in a particular practice and so there has got to be a way for him, in effect, to buy his way out. Is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you. Yes. As originally drawn, the Family Practice Act specified only that he or she agree to serve three years as a primary care physician spending at least fifty percent of the time engaged in a designated shortage area. That was the whole theory behind the Family Practice Act, to get doctors into areas where there was a shortage thereof. The department came in with rules attempting to set some kind of standards and some kind of penalty if...if they bailed before the three year period...ended. They did not...so have the authority, so

therefore, the committee recommended this...this bill where they do it in one year bites so the Act is now amended to read that he or she agrees to serve one year for each year of medical training, which they get a scholarship and they agreed to repay in full all scholarships received under the program established by this Act, plus a penalty of twice the amount and some kind of stick along with the carrot. Does that answer your question?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Yes. What you are saying is that there is a way for them to...for the recipients of the scholarship, in effect, to buy their way out of the period of service by paying a double penalty. The...the one thing that I didn't realize though, that you said in answering the question that interests me is, that we have reduced the commitment on the part of the scholarship recipients.Under the original Act they were required, even though it was not enforceable as such, to serve three years and now it's down to one year for each year of scholarship?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

That is correct. The department said during the hearing on this rule that they would have a situation they...were starting to experience, I should say, a situation where someone would have a Family Residency or a Family Practice Scholarship and get into it partially and then say that's not for me. You see what I mean and so that way they understand going in that if they get a Family Residency Scholarship or Family Practice Scholarship, excuse me, I'm not familiar with the terminology, then...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Do you know the value of a scholarship under this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

No.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Well, I think...I think we understand the bill now and it makes sense in that respect. That is in providing this kind of option. I guess my only comment is that I think the recipients who do intend to stay in it, I understand the example you just gave, but for those who do intend to stay in it,they are getting off pretty cheaply at that.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berning.

SENATOR BERNING:

Yes, thank you, Mr. President. For the second time, a question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

He indicates he will yield. Senator Berning.

SENATOR BERNING:

Is this the only area...the only field of endeavor where we require this repayment? For instance, what about a dentist? What about an athlete?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

I am unaware of any other Acts like this Act. When this Act was...passed, the purpose was to provide a financial incentive

to get family practice doctors into areas where there was a shortage thereof.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, members of the Senate, I fully remember when this legislation was first enacted and some of you may recall, as I do, having seen signs along the highway saying, doctor needed in village so and so. It was a serious situation and I think, perhaps, there are still illustrations available where there are communities without a doctor, but what concerns me now is, that laudable as the objectives may have been at that time, and I think I voted for the bill originally, we are now confronted,as I see it, with a...a serious question of equal protection under the law or equal liability under the law. Our total Scholarship Commission expenditures are huge. A relatively small amount of that goes in this particular area. It would seem to me that we are discriminating against those individuals who are going into the medical field itself and I'm not...I realize I'm not talking exclusively on the bill before us, but the bill, which is...or the Statute which is being amended by this bill, what we are providing for, is a total of three years. The maximum required service under this agreement shall be three years, which is reiterating what is being stricken and it just appears to me that we ought to reexamine this, particularly in light of other disciplines, which may or may not have as much justification for this kind of restriction or requirement for service, servitude, if you will, or repayment. There are many areas, I am sure, where dentists are not in an oversupply and we ought to, perhaps, ...hanging this sort of restriction on that particular field, as well.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I think this is a very good restriction. I think we should make people who do get scholarships a little more conscious of the fact that they've gotten help to get through and this... let's not kid ourselves, there's many communities that do not have a doctor on hand that would like to have one. They're not going to suffer. I don't know of one doctor that's not making money and if they don't want to go into a community that they're supposed to go, let them pay for their scholarships back, but I think it's a very good bill and I urge your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Bloom may close.

SENATOR BLOOM:

Thank you, Mr. President. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 421 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none. 1 Voting Present. Senate Bill 421 having received the required constitutional majority is declared passed. Senate Bill 422, Senator Bloom. Senator Bloom, do you wish to call that one? Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 422.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you. This addressed another aspect of the Family Practice Grants and those...this provides secondary criteria that the department would use in awarding grant monies to the medical schools who have family practice. Basically, it again it's technical and clarifies,however, I will read it. It says, "in distributing such funds the department may also consider as a secondary criteria whether a family practice program at medical school has adequate courses of instruction in the behavorial sciences, availability in systematic utilization of opportunities for residents to understand the areas in which they would do their family practice. A continuing program of community oriented research in such areas as risk factors in community...populations, immunization levels, enviromental or occupational hazards and finally, sufficient mechanism for maintenance of quality training and an appropriate course of instruction in the institutions of that area." Answer any questions you may have and otherwise ask for a roll call. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 422 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. None Voting Present. Senate Bill 422 having received the required constitutional majority is declared passed. Senator Rupp, on 426? Read the bill, Mr. Secretary. Senate Bill 426.

SECRETARY:

Senate...Senate Bill 426.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. What this bill does it amends the Illinois Vehicle Code and the synopsis uses the word "exempt" but more apt would be the word that..."to substitute" and what the situation is, is when the banks and savings and loans issue license plates and collect the State's money, there is a special bond that has to be issued and what all this does is permit the savings and loans and the banks that have other bonding available, such as a blanket position bond that, just by certification to the State,that they have this bond. They will not have to get the other separate small bond to cover each instance and ask specific Yes on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 426 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 48, the Nays are 2, 3 Voting Present. Senate Bill 426 having received the required constitutional majority is declared passed. Senate Bill 428, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 428.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this bill does, is changes the primary date to the first Tuesday in September.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? All right. Let's see. Senator Berman, Senator Rhoads, Senator Netsch, Senator Carroll, Senator...All right. Senator Rhoads.

SENATOR RHOADS:

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

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Senator Rhoads.

SENATOR RHOADS:

There was, of course, a...a bill on the Calendar yesterday, which was debated, Senate Bill 163, sponsored by Senator Wooten and myself. The key difference between Senate Bill 163 and Senate Bill 428 sponsored by Senator Lemke is that Senate Bill 428, as it is currently drafted does not provide for the election of delegates to the National Nominating Conventions. In fact, it provides for a system where the State party conventions would select the delegates to the National Nominating Convention. My personal...preference is for Senate Bill 163. I...I think the method of electing our delegates is an important one. I think that is a bill that the Governor can easily sign and I suspect that he will have more difficulty signing this bill if it reaches his desk. However, I'm going to vote for it because I think we do need another vehicle and I think the concept is a good one, notwithstanding my objections to that delegate appointment process.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I didn't want Senator Wooten to think that I didn't like his bill and that I do like Lemke's bill. I'll play the tape back again. The...the concern that I have...that I voiced yesterday is the same one that I have today with the September primary. I am concerned

that it will disenfranchise and irrevocably interfere with the constitutional rights of the Jewish people in their observation of the high...high holy days. Now, since yesterday, I have made contact because Senator Wooten indicated that New York has a September primary and there are a few Jews in New York that participate and I'm trying to find out what they do about it there. So, first I would ask Senator Lemke if he wants to take this out of the record until I get an answer from New York and without...and until then I've got to continue to voice my objections because I think that we are disenfranchising a very important and participatory segment of our community, with a September primary.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch...Senator Netsch, do you wish...do you not wish to speak on this?

SENATOR NETSCH:

I'll yield to Senator Wooten, well...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Carroll is...is next in the rotation. Senator Carroll.

SENATOR CARROLL:

For the sake of the brevity of the today's proceedings, I'll just also journalize the comments on Senator Wooten's record with leave of the Body, rather than repeat them, but I think the issue is an important one as it relates, especially to the Jewish community and to those who raised New York and the fact that they seem to have a September primary without much problem, I don't know if there's any causual connection, but I would remind them of the financial plight New York has been in of late.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Yes, Mr. President and members of the Senate. I rise in support of this bill. 428 happens to be identical of Senate Bill 173, which happens to be sponsored by Senator Davidson. Also, is identical to Senate Bill 16 sponsored by Davidson and Donnewald in the 80th General Assembly. I like the idea of the delegates at the Republican and Democrat State Conventions. According to statistics when we did the research on it two years ago ninety-five plus percent of all the delegates that attend a national convention are what you call regular organization people. To have an election, to elect a possibility five people...five people out of a hundred delegates in the State of Illinois for the costs of from twelve to fourteen million dollars is not very good economic exchange. People may disagree with me. That's their right. I urge you to vote for this so we get a change whether we have to change it a different day in September for the sake of the Jewish community, fine, but let's get it to a reasonable time. September.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Wooten.

SENATOR WOOTEN:

Yeah, thank you, Mr. President. This gives me a real dilemma because I am totally committed to the September primary date, but not at all to delegate selection by caucus. I wish it were possible to separate one side of this bill from the other. I am led to believe that the Governor would veto that aspect of the bill, but faced with that doubt, I fear I must vote Present on this bill, but I...at the same time I kind of want it to pass because we do need a September primary, but I just don't want to be in the position of endorsing a delegate selection by caucus.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Gitz.

SENATOR GITZ:

Mr. President, I think that there are arguments on both sides of the question in terms of a September primary. What really disturbs me most about this bill, is the fact that it will choose national convention delegates in a caucus system and I don't think that that is the best and fairest way to proceed. We are in a time in our country when there is more apathy, more cynicism than perhaps ever before. I, for one, think that there is a lot to be said for electing primary delegates and giving presidential candidates the opportunity to campaign within the State and elect delegate slates that are pledged to them. Most importantly, I think the present system guarantees that, at least, every geographical area in the State will have a fair representation and the power to choose those delegates are reserved for the people who, I think, should count most, namely the electorate. I'm very, very...you know, I have no problem with the question of the September primary,per se, I'm not convinced it's the solution to our problems, but this bill, in my opinion, is extremely dangerous in the way it chooses national convention delegates.

PRESIDING OFFICER:(SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate. People are getting very tired of our campaign rhetoric for six months. Very bored with it and I don't think we're doing a service to the public or ourselves or any other candidate who is wanting to run for office. I think the...I'm for the September date and I'm sure...the House can make an amendment that will be feasible for the holiday involving the Jewish people. I certainly would never object to that. As far as selection of delegates at conventions

maybe it might be more feasible to do it that way, but certainly we've gotto keep in mind that a September date is far better on the public and less wasteful than the six months of rhetoric and garbage that we have to come forth with in order to justify our candidacy.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

SENATOR KNUPPEL:

Well, all I can say is if President Carter is the result of a free and open primary, as opposed to the caucus system let's go to the caucus system.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? All right. Senator Lemke may close the debate.

SENATOR LEMKE:

I think...I think the bill is a good bill and the time has come and I ask for the favorable consideration of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is,shall Senate Bill 428 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question,the Ayes are 35, the Nays are 17, 3 Voting Present. Senate Bill 428 having received the required constitutional majority is declared passed. Senate Bill 430, Senator Nash. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 430.

(Acting Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER:(SENATOR BRUCE)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 430 amends Sections 5.1...5.11 of the Chicago Sanitary District and authorizes payment of purchases... purchase orders or contracts of five thousand dollars or less without prior...board approval. This will permit the Sanitary District to get advantage of prompt payment discounts and not wait for the board to meet twice a month before they can pay their bills on time.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 430 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 51, the Nays are 3. None Voting Present. Senate Bill 430 having received the required constitutional majority is declared passed. Senate Bill 431, Senator Nash. Read the bill...Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 431.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nash.

SENATOR NASH:

Mr. President, I ask leave of the Body to bring Senate Bill 431 back to 2nd reading for the purpose of Tabling Amendment No. 1, which was to have been Tabled when Amendment No. 2 was put on.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, Senator, we'll take those all at one time. There's several Senators who wish to do that, but we've had to pass over them till we go to that order of business of 3rd and recall. Is...can you take it out of the record, Senator?

All right. Take it out of the record. 432. 433. Read the bill, Mr. Secretary. Senate Bill 433.

SECRETARY:

Senate Bill 433.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate. What this bill does, it allows the purchasing agent of the Metropolitan...Sanitary District to decide on the winning bid and when there's tied bids all his recommendations need board approval. Right now, there's a tied bid. They have to order rebidding and that's all the bill does.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Shapiro.

SENATOR SHAPIRO:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will. Senator Shapiro.

SENATOR SHAPIRO:

Senator Nash, what is the purpose of this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nash.

SENATOR NASH:

Senator Shapiro, the Sanitary District asked for this bill because when they have tied bids, right now when bids on contracts are before the purchasing agent, he decides who the winning contractor will be and he needs board approval. Where there are tied bids he has to...they have to rebid. This will eliminate that. He can choose the winning contractor who will best serve the public by all his

recommendations he needs full board approval.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Shapiro.

SENATOR SHAPIRO:

I'd like to speak to the bill. You know as laubable as the explanation sounds and what Senator Nash did say is true, I think if you read the amendment you'll find that this just opens the Sanitary District's bidding procedure just wide open and actually places the power in the hands of one person and virtually it takes away the discretion of the board and just let me read this to you. The amendment to the bill says this. "In the event of tied low or high bids, the purchase order or contract shall be awarded on the basis of what the purchasing agent determines will best serve the public interest or he may reject all bids." Now, as I read that and reading the old language in the existing law this purchasing agent, if there is a...a tied low bid he can reject all bids or award it to whomever he chooses or if there is a tied high bid, he can also award that contract to the high bidder even though there may be bidders within intervening figures, but the...this...

PRESIDING OFFICER: (SENATOR BRUCE)

Excuse me...Excuse me,Senator Shapiro...

SENATOR SHAPIRO:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

...for what purpose does Senator Nash arise?

SENATOR NASH:

Can we take this bill out of the record, please?

PRESIDING OFFICER: (SENATOR BRUCE)

I think that's...that's acceptable. Senator Shapiro.

SENATOR SHAPIRO:

There's one more point I'd like to make. In this

particular Section, it pertains only to those bids in five thousand dollars or excess. In other words, the bid could be a...a million contract and the purchasing agent could decide who gets it and so on and so forth so either taking it out of the record or something of that nature, I think is in the best interest of the Sanitary District and the taxpayers of Chicago.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave...is there leave to take it out of the record? Leave is granted. The bill will be taken from the record. Senate Bill 434, Senator Nash. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 434.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate. What this bill does, it requires review of all leases given out by the Sanitary District every ten years instead of the present now fifteen years.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall Senate Bill 434 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 52, the Nays are none, none Voting Present. Senate Bill 434 having received the required constitutional majority is declared passed. Senate Bill 435, Senator Nash. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 435.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nash.

SENATOR NASH:

Mr. President and Ladies and Gentlemen of the Senate. What this bill does, is it authorizes the Sanitary District to impose a lien on real estate for delinquencies and payments of charges imposed by the Chicago Sanitary District.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 435 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 52, the Nays are 3, none Voting Present. Senate Bill 435 having received the required constitutional majority is declared passed.

(END OF REEL)

Senate Bill 438, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 438.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Unemployment Insurance Act to define employment and to exclude from...from definition work performed in the employ of school, college, or univerisity by a student. This is to allow students who work their way through college to work in dormitories and cafeterias, et cetera, for their room and board and for...to help them get through school and it's needed by the universities for their student programs. I ask for a favorable adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is shall Senate Bill 438 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...on that question the Ayes are 56, the Nays are none, none Voting Present. Senate Bill 438 having received the required consitutional majority is declared passed. Senate Bill 439, Senator Lemke. Senate Bill 442, Senator Egan. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 442.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President. All this bill does is correct

references to the State Service Occupation Tax Act in...in shifting sections within a bill that passed in the last Session. It is technical. It is not substantive. There is no controversy that I know of, conceivably, and so I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? All...the question is shall Senate Bill 442 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 52, the Nays are none, none Voting Present. Senate Bill 43...442 having received the required constitutional majority is declared passed. Senate Bill 446, Senator Netsch. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 446.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The summary on the Calendar is not correct. The bill, as it was amended, simply gives minors the same rights as adults presently have with respect to the treatment of their records once they have been exonerated of, in this case, a charge of delinquency. In other words, when a minor has been released without being adjudicated, or found in effect, non-guilty of a charge of delinquency, the photographs, fingerprints and other records of identification shall be returned to the minor and there are provisions for expungment. It tracks almost exactly the same rights that are now available to adults.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is shall Senate Bill 44...

Senator DeAngelis on this bill? Senator DeAngelis.

SENATOR DeANGELIS:

Senator Netsch, is it possible that...that due to the juvenile court system that they can be found or put into a different category that an adult cannot be put into? For instance, they may be declared a minor in need of supervision as a lesser charge than to be adjudicated as a minor.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR DeANGELIS:

Under...under this bill the record would still be expunged, correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Well, the...excuse me. The exact language is upon the dismissal of a minor charged with being a delinquent, or upon being released without being adjudicated so that what we are concerned about are those cases where a minor has been charged with delinquency and is either found not guilty or is released without further pusuit of the charges.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I think, Senator Netsch, you're trying to draw a parallel to what happens with adults and the adult system, the level of pleadings is not similar to the level of pleadings permitted in the juvenile court system.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch. Senator DeAngelis.

SENATOR DeANGELIS:

I thought that the analogy was quite unfair because the two systems don't function in the same manner.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch may close.

SENATOR NETSCH:

I think it does exactly what I've indicated that it does do, it deals only with minors who are charged with delinquency and it provides exactly the same procedures available to them that are currently available to adults who are charged with a crime and subsequently found not guilty or the charge is not pursued and it's not entirely true that adults cannot also have lower level charges found against them even though they may have been charged with a higher rank crime. But that is not really what we are concerned about. We're concerned about the delinquency charge and the finding of, in effect, not guilty.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is shall Senate Bill 446 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 39, the Nays are 9, 1 Voting Present. Senate Bill 446 having received the required constitutional majority is declared passed. Senate Bill 447, Senator Wooten. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 447.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Wooten.

SENATOR WOOTEN:

Thank you, Mr. President. Senate Bill 447 is the Retail Food Establishment Sanitation Act. This is the third Session I have handled this bill. The first year we didn't get out of committee because there...quite frankly, we did not undertake negotiations

with the Motel and Hotel Association. Last year, we did and it passed out of this Body with 46 Aye votes. This year the only change from the bill that we considered last year is the accepting a few more suggestions from the Restaurant Association. We have changed the fee schedule in accordance with their wishes. We have changed the time to which the department has to respond to the submission of plans. We've adopted language for the Chicago Board of Health which would make it simpler for them to administer. What the program does, simply, is to provide a service that most citizens of Illinois think they already have and that is a...a modern restaurant inspection bill. I think it's been drawn so there is no duplication so local units can administer it, receive the fees, do the work. I believe that it is a model of accommodation to all the various groups, who have been interested in it. We have considerable support from the northeastern corner of the State from sanitarians, from local health departments. I would like to think that we've done a very reasonable job of putting together a reasonable bill. I'd be glad to answer any questions and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

...discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Wooten, I believe you did agree to bring this back for possible amendment and I do have an amendment on file with the Secretary of the Senate that I would like to put on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Wooten.

SENATOR WOOTEN:

Thank you. I'm sorry you didn't tell me about this earlier, Senator. I would not be in the posture of losing the valuable time on the bill, but I will bring it back to 3rd at your request.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Wooten requests that the bill be taken out of the record. Is there leave? Leave is granted. The bill will be taken out of the record. Senate Bill 449, Senator Graham. Senator Graham.

SENATOR GRAHAM:

Mr. President and members of the Senate. Before some of you get a heart attack, and some are ready, we did not get the attention of the Mobile Park Home...Mobile Park Owners Association till the time this bill went to committee. Those in committee that were there that day, heard me work over the lobbyists a little bit and we got their attention. Since then, I have met with the contingent for the delegation to the Mobile Park Owners Association and we're working on some amendments. We found that they did have some legitimate beefs on the bill and we're going to leave it in this posture and hope we can work out some amendments and we do...at that time, I'd hope to call it. Today, I'm going to leave it lie quietly and try to work out some amendments, so don't have a heart attack, people.

PRESIDING OFFICER: (SENATOR BRUCE)

Senate Bill 450, Senator Knuppel. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 450.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

SENATOR KNUPPEL:

Mr. President and members of the Body. This bill is designed to require that State agencies purchase automobiles meeting the Federal standards of fuel efficiency. Those standards will accelerate until the year 1981 and the minimum gas mileage required of a vehicle will be seventeen miles per gallon and ultimately

22.5 gallons in 1986. Now, what will happen is that if...if those...if we're purchasing automobiles that don't meet those standards of efficiency, the requirements will be a two hundred dollar fine on...for example, 1980 on a fine of a vehicle that goes from fourteen to fifteen miles per gallon on a model that only meets thirteen to fifteen, will be three hundred and on a model that gets less than thirteen miles per gallon, five hundred and fifty dollars per automobile. The amendment which was put on after the bill came out of committee, is designed to make it quite explicit that this does not apply to units of local government except as provided in the section and in the section that's referred to, these vehicles are...the ones are only school districts and junior colleges, et cetera, community colleges and school districts. It doesn't apply to your municipalities. It doesn't apply to police cars, other kinds of emergency vehicles. Only the straight automobiles purchased by the State of Illinois, community colleges and school districts. I think this is good legislation in light of the energy crisis that we're confronting and that the State, in the purchasing of its vehicles, ought not to be paying penalties, one, and two, we should be setting an example of energy conservation. The bill has been reviewed carefully by the Illinois Energy Resources Commission and has been recommended as one of its pieces of legislation. I solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Bloom.

SENATOR BLOOM:

These fines you mentioned, are they...how are you going to impose them? Are you going to...are you going to ding their appropriations? I mean, how does this work? It sounds good, but if you think about it a little, it doesn't hold together real well.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

SENATOR KNUPPEL:

I would assume that the mere suggestion would be enough for the involved State agencies and the fine that's imposed by the Federal Government. I would think that that would be sanction enough and the powers you say. Many times the only power this Body has over an agency of State Government is through its appropriation process.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, then, Appropriations Staff is going to be checking the mileage on the cars of these agencies? I...I've got problems with that, John.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Rhoads.

SENATOR RHOADS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rhoads.

SENATOR RHOADS:

If I understand correctly, the Federal Government would be able to impose a fine on the State of Illinois for vehicles that were not in compliance, is that correct, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

SENATOR KNUPPEL:

As...as I understand it, it's assessed against the automobile and I assume passed on. I don't know just exactly how that's done. But, they do have a penalty in the Federal law for the purchase of these cars, starting with 1980 model cars, the fuel consumption tax will be levied on the automobile. And I assume that it's...that under that category, they would be able to assess a penalty on the car, yes. Not on the State, but on the car.

That's the way they get around some of this stuff.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Well, like Senator Bloom, I'm beginning to wonder if there might be some sort of constitutional problem here. There's all kinds of case law which suggests that one echelon of government may not tax another echelon of government. The U.S. Government may not tax the State and vice versa. Now, I don't know whether fines would come under that same case law, but I suspect that it would.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Nimrod.

SENATOR NIMROD:

Yeah. Mr. President and Ladies and Gentlemen of the Senate. I think that this bill is getting a little bit out of hand. What this really is is the gas guzzler law. The Federal Government has already a restriction on it. And they are the ones that impose the fines. What we're saying is that we shouldn't allow our State agencies to buy cars if they have to pay those Federal fines on. That's all we're saying. And we're saying that they ought to live within that particular law so we don't buy...so we will not pay any fines. That's as simple as the law is.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berning.

SENATOR BERNING:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates that he will yield. Senator Berning.

SENATOR BERNING:

What would be the reason, Senator, for exempting units of local government when we have school districts in here and the State?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

SENATOR KNUPPEL:

I...I assume on the doctrine that they, likewise, will do likewise and that the least government is the best government, that we ought not to be passing these laws onto units of local government, home rule problems. You get into the preemption problem and a lot of other things. I assume that's the reason.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Well, Senator, I understood it was your amendment and I wondered why you felt you should exempt units of local government I'm quite convinced there would be equally as many if not more automobiles on the road in the name of local government than there are in the name of schools or perhaps even the State.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

SENATOR KNUPPEL:

...is my amendment and I...and I...that's the reason. I would prefer...I have another piece of legislation in here about mandated programs. I have a kind of a phobia about telling units of local government you have to do this or you don't have to do that. But with...but with school districts, a substantial part of the funding does come through the State Legislature.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Knuppel may close.

SENATOR KNUPPEL:

Well, I would think that in light of the energy crisis, what's happening with fuel, whether it's enforceable or not I'm...I have some misgivings myself about how difficult...but someplace along the line, we're going to have to make some sacrifices and we're going to have to bite the bullet, we're going to have to lay down

some rules. We're going to get some rationing whether it's odd number or even numbered days or whatever it is. I think that it sets a good example to say that we, in the State of Illinois, are not going to spend money for noneconomical vehicles. Now, many of the laws that are on the books can't be enforced one hundred percent as Senator Bloom has pointed out. The question is, is conceptually is this a good idea? Does it set a good example, do we have a problem and the answer is yes. It...it dovetails in tongue and grooves with Federal laws and it's something that we ought to be doing. I submit that this is good legislation and solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is shall Senate Bill 450 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 42, the Nays are 12, none Voting Present. Senate Bill 450 having received the required constitutional majority is declared passed. Senate Bill 453, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 453.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. The present law of the State of Illinois is that if you kill someone, you can't inherit from them. What this bill will do is it will expand it to also cover...that is if you kill someone and are convicted of murder, we are now expanding it to voluntary manslaughter as well. Actually, all we're doing is...is...is codifying what is presently case law. For those of you that are

interested in the cases, there was a 1955 case, Bradley versus Fox and there was a 1972 case, Cepo versus State Employees Retirement System wherein the court said that a wrongdoer should not be permitted to enjoy the fruits of his crime whether or not he is technically indicted and convicted of a crime. So, although the common law is there as far as case law and court decisions are concerned, this bill would codify that and put it specifically into that Act that if you're convicted of murder or voluntary manslaughter, that, of course, you can't inherit from the person that you kill. One additional thing we have added in there and that is if you should leave the jurisdiction or die before you are convicted, a court can determine whether or not you should then inherit. The reason being is if someone murders somebody or it's a voluntary manslaughter and then kills himself before they are brought to trial, obviously they still should be eliminated from the possibility of inheritance and that's the reason that we're putting it into the...to the Code rather than leaving it in case law.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Moore.

SENATOR MOORE:

Will the...will the Senator yield, please.

PRESIDING OFFICER:(SENATOR BRUCE)

Indicates that he will yield.

SENATOR MOORE:

Senator Sangmeister, is this the bill that gives the probate judge the authority to determine whether or not someone shall inherit or not inherit irrespective of the fact of a conviction by a judge of the criminal court?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Yes, the...the amendment that was put on the bill states

the determination as to whether or not the person intentionally and unjustifiably caused the death of the decedent for purposes of this section shall be made by any court administering or having jurisdiction to administer the estate of the decedent. And presumably that would be the probate court, yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Moore.

SENATOR MOORE:

In speaking to the bill, in all respect to the sponsor, who I have great respect for, I think that we are going a little bit too far with Senate Bill 453 insofar as inheritance is concerned. I, for one, do not want the probate judge of the probate court in my county determining whether or not someone probably killed someone or someone may have done it. I think this is the province of the criminal court. I think that if the criminal court finds someone guilty of murder or manslaughter, whatever it may be, they should not inherit but I think that that decision should be made in the criminal court of my county and not by any probate judge in my county. I think we're extending the law much too further...or much too far. I think this is a bad precedent for us to start setting at this time and I would oppose the passage of Senate Bill 453.

PRESIDING OFFICER: (SENATOR BRUCE)

The following Senators have sought recognition; Senators Netsch, D'Arco, Collins and Berning and Senator Knuppel. Senator Netsch.

SENATOR NETSCH:

Thank you. I have either a question of the sponsor or a comment. As I understood you, Senator Sangmeister, if someone has murdered, let's say a man has murdered his wife and then dies or commits suicide or whatever, that the estate...he may not take ...be an heir but that is not really the point at that...it seems to me under those circumstances because he...there may well be children in the family or some other relative who ought to be

permitted to inherit at that stage and I don't see any reason to cut off people who may be quite innocent simply because that man himself ought not to be able to inherit when he, in fact, perpetrated the crime against the person. That doesn't make any sense to me. I'll make it a question if you would like to respond.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, number one, I think there's some confusion here. If I may take the latitude of just rapidly answering Senator Moore. He's got to understand that a person who is convicted of murder or voluntary manslaughter, you know, there is no further determination by any probate court at that point. We're only talking about those cases where, for example, a person has left the jurisdiction. Now, to answer your question, the law is presently and we have not changed that at all, that that person shall...the estate shall be distributed in the same manner as if the person so convicted or found to have caused the death, died before the decedent. That's the present terminology that's in...in the law as it stands right now. We're not changing that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

So you're saying that in my example, the children would be able to inherit the estate, at least in that circumstance.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

The answer is yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco. Senator Collins. Senator Berning.

SENATOR BERNING:

Just one question of the sponsor. If there were a situation where there was no other heir than the individual or individuals and I'm thinking about a case that I recall having read where I believe there was a brother and sister who murdered their parents. Now, if they were the only heirs left then and became ineligible under this to acquire the estate, what would become of that, if there were no other heirs? Have you made provision for disposition of assets in such a case?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

No, we haven't changed the present law. If you say that it's a brother and sister, they murder their parents and they have absolutely no other heirs, the...just the way the law is now, under succession, paragraph eleven, I presume it would escheat to the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning. Further discussion? Senator Knuppel.

SENATOR KNUPPEL:

Well, my question probably has to do with a bill we passed yesterday more than it does this bill because I understand what this bill tries to do, but what if the people decide they want to settle the estate, the son and daughter that we're talking about that they want to settle the estate without the necessity of going through probate as under Senator Rock's bill? Now, me and my sister killed my mom and dad and there's no other heirs and we decide we want to settle this up outside the probate court, who has standing then and...and does anybody have standing to force some kind of a settlement in court?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Knuppel, I...as I understand your question, the way the

...the bill and the amendment is so drafted, that determination would be left to the probate court, but I'm not quite sure I understand the factual situation because the law, as I explained to Senator Netsch, is presently that if you murder someone, the estate is to be distributed in the same manner as if the person who committed the murder died before the decedent, so the next people in line, if there are heirs, would come right into that line and it wouldn't change that if I'm getting to your question. I'm not sure I am.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

SENATOR KNUPPEL:

As I've said, I don't know how these two sections fit together and what authority anybody would have, I can understand it if there's another child and the other child comes into the probate court and petitions to have an administration as opposed to a settlement without it. But what if these two people decide that they're going to do this thing nice and cozy without going into probate court? And then does the State of Illinois...is that what you're telling me, the State of Illinois is going to watch every one of these situations to find out whether there is or isn't any heirs and come in and force...in other words, what I'm saying is the bill that passed yesterday may completely vitiate what you intend to do with this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, frankly, you can't, when you're presenting legislation tied into every bill that's going through the General Assembly as to what its affect may be on a bill that passed yesterday, not being that thoroughly familiar with the new administration of estates or small estates, however that bill is worded. I don't see where there's any problem or any conflict with this bill at all because simply if...if they

are the next survivors in line, they don't have to go into probate court, they can resolve the matter among themselves. But if there's a question as to whether or not the person died without justification or it might have been a murder or voluntary manslaughter, then, at that point, if there's been no conviction of the person who did it, the probate court would take that into consideration and have to make that determination.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Any further discussion? Senator Sangmeister may close if he wishes.

SENATOR SANGMEISTER:

Well, I understand this is a subject that does get a little complicated. However, I can assure the Body that all we are attempting to as I originally stated and that is put the common law principles that a wrongdoer should not be permitted to enjoy the fruits of his crime putting that into the statutory language and that's all we're doing and I would request a favorable roll.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is shall Senate Bill 453 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 22, the Nays are 24, 2 Voting Present. Senate Bill 453 having failed to receive the constitutional majority is declared lost.

Senate Bill 454, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 454.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER:(SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Presently under the School Code, Section 24-11, there is established a probationary period of two consecutive school terms before a certified teacher can enter upon tenure status. What the Code does not do is define what constitutes a complete term. This bill will do that. We originally had a date of January 1st. We were in Senator Berman's Education Committee at which point the representatives for the school board was there and for the teachers and it was worked out a compromise date that the term would begin as of November 1st and on that basis, everyone was satisfied. The bill came out of committee eleven to nothing and I know of no opposition to the bill. Request a favorable roll.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is shall Senate Bill 454 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 26, the Nays are 14. Senator Sangmeister.

SENATOR SANGMEISTER:

Place that on postponed, please.

PRESIDING OFFICER: (SENATOR BRUCE)

The bill will be placed on the Order of Postponed Consideration. Senate Bill 455, Senator Grotberg. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 455.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President, members of the Senate. First, I would like leave to add Senator Mitchler as a cosponsor of this bill that has its origins in our Kendall County.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, if he will so inform the Secretary in writing that will be done.

SENATOR GROTBERG:

Thank you. We have, in the State of Illinois, a provision with the Bureau of Mines and Minerals whereby they are the permitting body for aggregate mining. We have amended this bill so that the EPA section is out of it entirely and we're now dealing only with the Bureau of Mines and Minerals and they are in agreement with this amendment that notwithstanding any other provisions, every municipality, county and township has the power to regulate and restrict the location of any sand, gravel, limestone and other nonorganic mineral mining operations excluding fossil fuel. So, that we're getting down to the gravel pits bill. It's been a matter of contention for some time and EPA is only interested in the air and water qualities and they have to get their permits to operate these things from them. But as far as zoning is concerned, this would let the municipality zoning prevail over the Bureau of Mines and Minerals. I know of no objection to the bill at this point in time. I'd be glad to help answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Any further discussion? Question is shall Senate Bill 455 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question the Ayes are 48, the Nays are 3, 1 Voting Present. Senate Bill 455 having received a constitutional majority is declared passed. Senate Bill 458, Senator Vadalabene. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 458.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, this is a commission bill, Senate Bill 458, and under this proposal, auto carriers would have an extention of three feet in the front and less than four feet in the rear in length limitation is overhang. Now, wait a minute, now.

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Senator Vadalabene is recognized.

SENATOR VADALABENE:

Yes, I was rudely interrupted, Mr. President and members of the...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, I would like to go further with the explanation then I know it will be clearer to everyone.

PRESIDING OFFICER: (SENATOR BRUCE)

Proceed.

SENATOR VADALABENE:

When this legislation was proposed initially, the question was the safety and if you recall, I was the sponsor of that legislation two years ago. Now, pursuant to a House Resolution in the last Session, the Department of Transportation, the Department of Transportation was authorized to issue permits for this type of operation and was to accumulate data to ascertain whether auto carriers with the overhang were safe upon the Illinois highways. As of March 1st, 1979, the cumulative totals indicated that there were three thousand three hundred and fifty-nine trips in Illinois with the overhang permits for a total mileage of eight hundred and seventeen thousand

four hundred and six miles. This is to further report that there were no accidents related to or involving auto carrier overhang during this period. It is a conservation measure, thus it is safe to assume that it can be operated safely on the Illinois highways and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is shall Senate Bill 458 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 13, the Nays are 12, 3 Voting Present. Senator Vadalabene is recognized.

SENATOR VADALABENE:

Yes, Senator Rhoads suggested I put that on postponed consideration. However, I just wanted to know, was that a good presentation or not?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator, it was excellent. You...you...you've got them down to a tie. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you very much. That's all I wanted to know.

PRESIDING OFFICER: (SENATOR BRUCE)

On that...on that question there were 13 Yeas, 12 Nays, 3 Voting Present. The bill having failed to receive a constitutional majority is declared lost. Senator Coffey on 459. Senate Bill 461, Senator Vadalabene. Registration. Quarterly registration. Shall we read it, Senator? Senator Vadalabene. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 461.

(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. Briefly, Senate Bill 461, again, is the Motor Vehicle Laws Commission bill and it provides for quarterly registration of newly acquired second division vehicles and repeals the semi-annual reduction fees for second division vehicles under apportionment. I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is shall Senate Bill 461 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 31, the Nays are 15, 1 Voting Present. Senate Bill 461 having received the required constitutional majority is declared passed. Senate Bill 463, Senator Weaver. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 463.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This does exactly as the Calendar states. It increases the maximum additional corporate tax rate for park districts from five cents to twenty-five cents after successful referendum. It's a front door referendum, if they want to increase the taxes. Appreciate a favorable roll call.

PRESIDENT:

Is there any discussion? If not, the question is shall Senate Bill 463 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 51,

SB467 3rd reading 5-15-79

the Nays are 2, none Voting Present. Senate Bill 463 having received a constitutional majority is declared passed. 467, Senator Merlo. On the Order of Senate Bills, 3rd reading, Senate Bill 467. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 467.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Merlo.

SENATOR MERLO:

Thank you, Mr. President and members of the Senate. The bill would remedy a situation where a condominium owner makes major improvements or betterments in his apartment. Presently, owners who have made costly improvements have been unable to secure insurance coverment...coverage for these betterments through their condominium association which, incidently, has the responsibility of securing insurance for each and every unit in the complex. The bill would permit the condominium owners to have these improvements covered through the association by paying the additional cost for this coverage. This is an Illinois Realtor Bill and I ask your favorable consideration.

PRESIDENT:

Is there any discussion? If not, the question is shall Senate Bill 467 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 53, the Nays are 1, none Voting Present. Senate Bill 467 having received a constitutional majority is declared passed. 468. On the Order of Senate Bills, 3rd reading, Senate Bill 468. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 468.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Daley.

SENATOR DALEY:

Mr. President and fellow Senators. This bill allows the taxpayer to request on...have the Director of Revenue to place on heavy income tax form whether or not you want to receive a ten day notification when the Federal Government or other State Governments request any information off your income tax forms. Also, it allows the taxpayers to pick up the reasonable cost as the Director states...so. And this is a bill that's greatly needed. The Federal Government allows us... did not allow us to look at their Federal income tax returns. This would protect any type of returns that you are...you are filed as an individual or as a corporation. I would ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate. I would rise in opposition to Senate Bill 468. One of the provisions which enables us to have a State income tax which is reasonably inexpensive to run and makes it reasonably simple for us to deal with because it's consistent with the Federal tax system is an agreement which the State of Illinois has with the Federal Government, a cooperative agreement in which we have access to Federal IRS information and vice versa in order to provide some leverage for honesty and in order...some leverage for enforcement. As nearly as...as we can tell, this provision which I know many taxpayers would like, is a provision which would nullify our agreement with the IRS and therefore, nullify the agreement with...which we have which gives us a greater degree of enforcement of the income tax. I know that it's well intended and we've discussed it in detail in committee but I do believe

it would endanger our agreement with the Federal Government which does allow us to enforce our income tax.

PRESIDENT:

Further discussion? Senator Knuppel.

SENATOR KNUPPEL:

I think this is good legislation. I think anyone is entitled to know the confidence...the confidential nature on income tax information belongs to the party the same as confidential communications by client to an attorney or a patient to a doctor. That confidentiality does not belong to the State or Federal Government and we should never lose sight of the fact that in this country the individual is still the most important item in paying that tax and the protection of that confidence is his and if it's to be violated, he should know about it.

PRESIDENT:

Is there any further discussion? Senator Daley may close the debate.

SENATOR DALEY:

Mr. President and fellow Senators. First of all in regards to Senator McMillan's comments, once you file your taxes, you cannot change them. You, as a corporation or as an individual, you cannot come down to Springfield and have someone change anything that you have filed. If it's so, I'd like to know how we can do it. It's against the law. Once you file your sales tax, your income tax, anything that's filed in Springfield, you cannot change it unless someone has some reason how they can do it, we all would like to know. Secondly, we allow the taxpayer, it's not mandated upon the taxpayer, the taxpayer must fill out a form to allow the director to give a notice and secondly, in regards to the contract we have with the Federal Government, this will not terminate the contract. We've been through this with the Federal Government. Again they tell us, if we do it, we mandate it. This is not mandated. It's optional with the taxpayer. This is a good bill.

It protects the...your records that you file with the State. The reason why we need it is because the IRS disseminates all this information in the Federal bureaucracy. We have seen it with the Watergate problem where the IRS gave it to all the various commissions and individuals in the Federal Government. This is to protect your records, your State records and they're not Federal records.

PRESIDENT:

The question is shall Senate Bill 468 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 45, the Nays are 7, none Voting Present. Senate Bill 468 having received a constitutional majority is declared passed. 473, Senator Daley. On the Order of Senate Bills 3rd reading, Senate Bill 473. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 473.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Daley.

SENATOR DALEY:

Mr. President and fellow Senators. This is a Legislative Reference Bureau bill in regards to changing terminology from the old law to the new law that we passed a new Mental Health Code. I'd ask for a favorable roll call.

PRESIDENT:

Is there any discussion? If not, the question is shall Senate Bill 473 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 57, the Nays are none, none Voting Present. Senate Bill 473 having received a constitutional majority is declared passed.

474, Senator Berman. On the Order of Senate Bills, 3rd reading, Senate Bill 474. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 474.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen...Ladies and Gentlemen of the Senate. Senate Bill 474 is an attempt to bring a greater degree of efficiency and objectivity to the due process hearings that are involved in the Administrative Procedures Act. As you all recall a couple of years ago, we passed the Administrative Procedures Act that sets out guidelines for hearings in agencies of the State where there is a contest between the taxpayer or regulated person and the agency. One of the provisions in the existing law allows the hearing officer who hears these cases and is an employee of the agency to discuss in an ex parte manner the findings of the...of the hearing officer with other members of the agency. Now, the reason for Senate Bill 474 is to strike that language and allow the hearing officer to base his decision upon the evidence that's been introduced in the record at the hearing. Otherwise, we're just wasting our time in allowing the hearing officer to go through a perfunctory procedure, then he goes back to the department and does what the department wants rather than what the record shows. This will cut down on appeals to the...through the Administrative Review Act. It will give a greater substance and judicial demeanor to the hearing officer. It will require them to act more like judges than as errand boys for each of the agencies. So, I would ask for a favorable vote on Senate Bill 474.

PRESIDENT:

Is there any discussion? Senator Knuppel.

SENATOR KNUPPEL:

Well, I'm amazed 'cause to compare this to judges, I don't know any judges that don't discuss their decision. Most of your Federal judges have law clerks. We all know that the Supreme Court...Supreme Court members of the United States have law clerks who assist them in making these decisions. I don't know any reason that a person who is uninformed is a certain area shouldn't have available to him before making decisions. Many times technical advice from engineers or others. I...I think that it...that it would be hideous and wrong to say that somebody could not refer to technical assistance so that he comes up with the right decision. We do have an Administrative Review Act which says that the decision must be based on at least substantial evidence or it will be reversed and deprived hearing officers. I think instead of making more correct decisions, we will end up with more incorrect decisions because the person does not have access to that type of expertise that he ought to have and as I say, I don't know any judge, any lawyer or anybody else that is worth his salt who knows all there is to know. One time a county commissioner, a farmer wanted to run for county commissioner in my county and I went and tried to talk him into running. He said, I don't know anything about county government. I'll have to ask other people. I said as long as you will remember that you'll probably make the best damn commissioner we ever had. The trouble is those people, and we were talking about road commissioners this morning, are people who don't listen to other people. I think that it's good that they do. I think they should have access to technical advice, legal advice and otherwise in order to render correct decision, I think this is poor, in fact, bad legislation.

PRESIDENT:

Further discussion? Senator Graham.

SENATOR GRAHAM:

Mr. President and members of the Senate. When this bill was heard in Executive Committee, I think I should express the feeling that was presented to us at that time. The opposition to the bill was the Department of Revenue and Department of Administrative Services. They felt that by setting up this ex parte communications with the hearing examiner, and them communicating with the agency that perhaps the...the person being involved on the other side was not getting a fair shake. They're worried about this type of legislation and they so indicated in the committee hearing. And it emerged from the committee with a vote of 5 to 4.

PRESIDENT:

Is there any further discussion? Senator Berman may close the debate,

SENATOR BERMAN:

In response to Senator Knuppel, I think that he would be rather disturbed if after he presented a case, the judge communicated with his opponent outside of his presence. Well, if they do it everyday, they're...they're contrary to the law and contrary to the rules of ethics of the judicial...of the judiciary. But that is exactly what is happening here. In these agencies, taxpayers have a disagreement with...with an agency. We have set up a procedure for hearings in these agencies before hearing examiners. The department comes in and presents its case, the taxpayer presents his case. If we do not pass this bill, what has been happening is after all the proof is in, the hearing examiner goes to the opposition, to the agency and gets directions, not just advice or...or counsel, but directions as to how they are to rule on that case. By eliminating that language and let met quote exactly the language that's being...that's being deleted by this bill, "however an agency member may communicate with other members of the agency, and an agency member or hearing examiner, may have the aid and advice or one or more personnel... personal assistance." All of those people should be involved if they are

relevant in the hearing where they can be either cross examined, where their expertise can be questioned by the taxpayer, otherwise all we're doing is wasting our time. This bill will cut down appeals through the Administrative Review Act, cut down the amount of litigation. Everything should be out in the open at the hearing. Let the hearing officer make the decision based upon the record, not after the hearing has closed, discuss the merits of the case with his supervisors or with his employers. Let it be a straight up, due process type of procedure. Give the taxpayer a break and give a vote for Senate Bill 474.

PRESIDENT:

Question is shall Senate Bill 474 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. Sponsor has requested that further consideration of Senate Bill 474 be postponed. So ordered. 476, Senator Martin. On the Order of Senate Bills, 3rd reading, Senate Bill 476. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 476.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

When the Uniform Disposition of Unclaimed Property Act was passed, certificates of deposit were not in common usage. Since more and more people are investing in this form, this brings this whole category into the Act and makes sure that the State will not move in on people until an appropriate time has passed seven years after maturity. It has the support of both the institutions that are involved, the department that is involved, but most importantly, it will protect those people, the consumers who invest in this and I ask your support.

PRESIDENT:

Is there any discussion? Senator Wooten.

SENATOR WOOTEN:

Just to be sure, you said seven years. You mean fifteen do you not?

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

After maturity, seven years.

PRESIDENT:

Senator Wooten.

SENATOR WOOTEN:

I was not sure that was the substance of Amendment No. 1. See the amendment...my understanding is the amendment makes it fifteen years from the date of maturity. Yeah, seven years is just too short. You know, that's why I felt sure that the amendment that was requested in committee was fifteen for maturity.

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

I think perhaps I can clarify this for you. The original bill read fifteen from the year of issuance and we discovered that that did not afford enough protection. Seven years from the date of maturity which was explained in committee, gives the holder of such a certificate far more protection, and that was why it was done, to give more protection to the holder of the certificate and that is accurate.

PRESIDENT:

Senator Wooten.

SENATOR WOOTEN:

Well, I don't have a copy of the amendment. Our analysis of the amendment says that if no action has been taken on the certificates for a period of fifteen years from the date of maturity.

If you're telling me that's in error, then I want to change the way I'm going to vote on the bill. But I don't have a copy of the amendment.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well, I just feel totally and wholly for lo, these many years we had a law in the State of Illinois that it...you had to have disappeared for at least seven years to be presumed dead and to say that immediately after that, if a person disappeared two days before maturity, so to speak, I think it's too harsh. I...I feel that if it were the way the synopsis we have from our staff says, that it was fifteen years from maturity, that I could buy that, but I still believe that this is another way of taking money out of somebody's pocket by the government and that it ought damn well to be sufficient length of time for somebody...before somebody takes it out and I can't buy seven years. I'm sorry, Senator, but if it were fifteen, if that's what the amendment says, I can support that.

PRESIDENT:

Further discussion? Senator Grotberg.

SENATOR GROTBERG:

Question of the sponsor.

PRESIDENT:

Indicates she will yield. Senator Grotberg.

SENATOR GROTBERG:

What is the abandonment period now, Senator?

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

Well, that's the problem. In a way there really isn't one and so as the joint sponsor of the bill will attest, the State was moving in in areas and the consumer had no protection and so the intent of this bill and the idea for it quite frankly, came

from Senator Shapiro, because it happened to him, was to protect the consumer, so those who are opposed to it and want fifteen, you know, amend it that way in the House but right now the consumer is not protected.

PRESIDENT:

Senator Grotberg.

SENATOR GROTBERG:

I made careful note of the sponsorship of this bill, Senator, I want you to know that, but I would ask you in your...in your explanation, you said you're protecting the consumer and I don't know that taking his money away after seven years is a kind of a protection.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Will the sponsor yield for a question?

PRESIDENT:

Indicates she will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Martin, what do you mean by show no interest in or indicates no interest in it?

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

Well, I believe that is a fairly technical term and I... I make no...I'm not an expert, but under existing law, people have to show and...common withdraw, there has to be activity in the account and one of the reasons people buy C.D.'s is so they don't have to have any activity. They can just buy it and leave it if they want to.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, it's common procedure in most banks that any items

that are in certificate of deposit, if not renewed, would automatically go into a passbook savings account. Now, in sliding into that category, are you indicating there's no interest?

End of reel.

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

I didn't even understand the question.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

It is a customary procedure in most banks. That whenever somebody's CD is not renewed that the money is put into a passbook savings account. It slides into that account. It goes from the higher level of interest to the normal rate of savings account interest. Now, this can be done automatically. In fact it is done automatically. Does this indicate that there's no interest on the part of the holder?

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

I don't...I hear what you are saying, but I just don't know anything about it.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well...I...I'm really interested in what interest is because quite frequently people put money in an account in the name of their children and just leave the money there for long periods of time letting the interest accrue on it.

PRESIDENT:

Further discussion? Senator Bruce.

SENATOR BRUCE:

I just...Amendment No. 1, Senator Martin, as I understand it, that for determining the period of time that is...when the statute is going to run is from the initial expiration without regard to any automatic extensions, that is correct. Well if you add

a six year CD and...and or a seven year...sixty is what I... and you showed no interest...this is a trustee, for example, of a large bank. You put it for a...a ward or guardian, you put it on deposit, you show no interest at all. Six years, in a contract itself with a bank, it's renewable, you wait around, it's renewed again. The first thing you know, it is expired, seven years is gone and you've got a six year note, six year CD. What...what do you do in a situation like that where you have a seven year CD?

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

Trusts are exempt.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

All trust instruments, any time you have...that doesn't seem to make a great deal of sense. You...you're telling me that if I go down and deposit and get an eight year certificate of deposit and don't do anything, seven years from the date of expiration the State of Illinois comes in and takes it. If I put it in trust for my daughter and I do nothing and leave it there for two hundred years and show no interest at all, it...it continues to be in the ownership of me as trustee for my daughter. Now that just seems to make not a great deal of sense.

PRESIDENT:

Senator Martin.

SENATOR MARTIN:

I'm not sure I'm telling you that, that's what the Department of Financial Institutions says is so and the way they handle the case. I'm not going to argue if that's fair or makes sense. Government regulations...I don't know that making sense has ever been necessarily a part of them, but that is the fact of the...

of the...the state of the art in Illinois.

PRESIDENT:

Any further discussion? Senator Bloom.

SENATOR BLOOM:

Well I rise in support of this. As you know under present... present Escheat Law, under the jurisdiction of Financial Institutions, if there has been no activity in account or if various property has not been claimed after seven years, I'm sure you've gotten those print outs saying here's the last known address of people who allegedly having property in your district, it goes to the State. The amendment merely says, after the maturity of the instrument, certificate of deposit, you got seven years, just like the rest of the law. And it was designed to address the problem where you had eight, nine, ten year CD's. It's that simple and I'd urge all members on this side of the aisle and on the other side of the aisle to support it. Thank you.

PRESIDENT:

Is there any further discussion? Senator Martin may close the debate.

SENATOR MARTIN:

Well, it seemed like a reasonable idea to me. If you really don't like it, I guess you vote against it and I think it sounds good. I'd vote for it. Please do.

PRESIDENT:

Senate Bill...the question is shall Senate Bill 476 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 28, the Nays are 19, 5 Voting Present. Senate Bill 476 having failed to receive a constitutional majority is declared lost. 479, Senator Regner. On the Order of Senate Bills 3rd reading, bottom of page 20, Senate Bill 479. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 479.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Regner.

SENATOR REGNER:

Yes, Mr. President and members of the Senate. This a bill proposed by the Joint Committee Administrative Rules to implement something the agency, the Department of Revenue, has been doing by their own rules and regulations. What it does, it authorizes the Department of Revenue to make daily tax collections at the Illinois State Fairs, Art shows, flea markets, et cetera. When the department believes there's a significant loss of revenue because of a large number of out of state retailers. What happens in many of these cases, people come in, set up shop for one day or two days or a week even and leave the State prior to filing their State Income...State Sales Tax Forms and consequently the State does lose revenue by it. And ask a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Donnewald.

SENATOR DONNEWALD:

Senator Regner, what's the yours or the department's best estimate in...in revenue's assuming this bill does become law.

PRESIDENT:

Senator Regner.

SENATOR REGNER:

Senator Donnewald, I did ask the department and they did not have an estimate they said at this time because they just weren't sure how much was being lost at the various fairs and that. So I don't have a number.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Well, the reason I asked, I...I would hope that this replaces a good portion of Revenue so that we can redivert back to the Motor Fuel Tax Fund.

PRESIDENT:

Any further discussion? Senator Grotberg.

SENATOR GROTBERG:

Question of the sponsor.

PRESIDENT:

Senator Grotberg.

SENATOR GROTBERG:

Similar events means our local flea market, the Lion's Club Street Sale, the Geneva Swedish Days, is that correct? And every public event that has made America such a great place to live, right?

PRESIDENT:

Senator Regner.

SENATOR REGNER:

That's great and it's right.

PRESIDENT:

Any further discussion? The question is shall Senate Bill 479 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 50, the Nays are 2, none Voting Present. Senate Bill 479 having received a constitutional majority is declared passed. 481, Senator Regner. On the Order of Senate Bills 3rd reading, top of page 21, Senate Bill 481. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 481.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

We have only thirty minutes to go, let's...you can make it thirty-five if you really want to. Senator Regner.

SENATOR REGNER:

Did you read the bill?

PRESIDENT:

The bill has been read, yes sir.

SENATOR REGNER:

Mr. President and members, again this is a proposal...from the Joint Committee on Administrative Rules. It's regarding the Department of Law Enforcement and what it does, it specifies in...clearly specifies an individuals right to access in review of his criminal record. The information specifically allows the Department of Law Enforcement to release information to other agencies when required by another State Statute. This is something they asked for by their own departmental rule and it was decided by the joint committee that it should be statutory authority rather than just agency rules.

PRESIDENT:

Is there any discussion? The question is shall Senate Bill 481 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 38, Nays are 9, none Voting Present. Senate Bill 481, having received a constitutional majority is declared passed. 482, Senator Regner. On the Order of Senate Bills 3rd reading, Senate Bill 482. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 482.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Regner.

SENATOR REGNER:

Mr. President, members, this also is a bill proposed by the Joint Committee Administrative Rules. The legislation clarifies the statutory language regarding the scope of coverage of the special records privacy provisions of the Department of Children and Family Services. And it specifically excludes from coverage persons who apply for services and persons subject to licensing by the department. The department did have some problems with the bill as originally presented. They did propose an amendment which was adopted and it took away their objection. And I ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield to a question?

PRESIDENT:

Indicates he will yield, Senator Hall.

SENATOR HALL:

Senator, there are certain records you say that will be excluded from confidentiality. Could you tell me just what you have reference to there, when you say certain records, what will that be?

PRESIDENT:

Senator Regner.

SENATOR REGNER:

Senator Hall, this reading from the bill says this section does not apply to department's fiscal records. Other records of a purely administrative nature. Records concerning persons applying for but not receiving department services or any forms, documents or other records...concerning persons or a facility subject to licensing by the department.

PRESIDENT:

Senator Hall.

AB 491
3rd reading
5-15-79

SENATOR HALL:

I just wanted to find out what he...

PRESIDENT:

All right. Any further discussion? If not, the question... Senator Bruce. Senator Bruce.

SENATOR BRUCE:

Just reading this over very quickly, Senator, I'm trying to figure out exactly where a...a court proceeding in which the...the Juvenile Court Act is involved in which the Department of Children and Family Services becomes interested also in neglected and dependent children where there's a court hearing and some of those documents are not privileged...are privileged. I'm not sure that this doesn't open up that whole case work.

PRESIDENT:

Senator Regner.

SENATOR REGNER:

Senator Bruce, without...or what I suggest we do, I'll take it out of the record and I will get an answer from the department because they are doing this by departmental rule right now. So, we'll...pull it out of the record, Mr. President. We'll get the records from the department.

PRESIDENT:

Take it out of the record, Mr. Secretary. 491, Senator Davidson. On the Order of Senate Bills 3rd reading, Senate Bill 491. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 491.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Yes, Mr. President and members of the Senate. 491 came out of the public hearings of the School Problems Commission of school districts who asked for an option to be able to change their starting date on a birthday back to September 1st. The evidence presented by them and by the two clinical psychologist's who 've done the research from Illinois State University of the learning difficulties for students from birthdays that entered between September 1 and December 1 following through school was very substantial. I objected to a mandatory date, asked for optional because many school districts should have that right to make the decision on their own because it also impacts on their School Aid Formula. There was, at the request of the School Board Association an amendatory amendment put on to make the effective date July 1, 1980 so it would not be effective in the middle of a school year. Came out of committee of Elementary, Secondary Ed, 11 to nothing. Appreciate a favorable roll call.

PRESIDENT:

Is there any discussion? Yes, I...I see the lights, that's all I'm asking. Senator McMillan.

SENATOR McMILLAN:

Mr. President and members of the Senate. I hate to object to my...with my seatmate and I have a sneaking suspicion that he likes this bill because his birthday was on August 6th and I...August 31st, and I happen to dislike it because mine was after the 1st of September. But I well remember two years ago when the bill came in to make this mandatory, it came in slowly and quietly out of the blue with no objection and then when we finally realized what we were doing, we defeated it quite handily. I think the bill has a number of problems connected with it because what you're doing is allowing some schools to say that...that kids can't start to school in the first grade if their birthday comes after the 1st of September.

I can see several problems, usually I would leave things up to the local schools, but I think this could cause problems. For instance, a student could start in the first grade in one Illinois school, move to another community in October and he suddenly wouldn't be eligible to go...go to school there. Number two, we've had all kinds of...of talk and rhetoric in this Body about the drinking age and what we're really doing is providing a law which ultimately will put a...a large number of older kids into the school system and if you're concerned about drinking in the schools, this is going to get them much closer to the 19 year age. We have a lot of students that are very able to start school if their birthday happens to come right after the 1st of...of September. And this would allow some school systems to prohibit that, this would allow some school systems from time to time, if they happen to be in a tight financial crunch to eliminate one section of 1st graders, which they could do arbitrarily one year or not. I...I really think that in...that this is the kind of a law that ought to...that ought to apply state-wide and I really think that a couple of clinical psychologists recommendation that we suddenly allow the prohibition of students to start to school at age 6 just because they don't become six till the 1st of December. It is not a wise change.

PRESIDENT:

Further discussion? Senator Rhoads.

SENATOR RHOADS:

Question of the sponsor, if he will yield.

PRESIDENT:

Indicates he will yield. Senator Rhoads.

SENATOR RHOADS:

Senator Davidson, this allows the local board the option of rolling back from December 1 to September 1, is that correct?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

That's correct.

PRESIDENT:

Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President and members of the Senate. I'd like to rise in support of this bill. I think it's a long overdue reform that is needed. For Senator McMillan's information, my birthday was December 3rd, I was trapped. But in Cook County, in particular, Ladies and Gentlemen of the Senate, we have a differential between parochial schools and public schools, such that those students who are allowed to enter the first grade at the parochial schools made do so at an earlier time. Some parents who feel very strongly about this have even entered their children in first grade in a parochial school only to transfer them in the second year. I think this is a...a very necessary bill, a good bill and urge its adoption.

PRESIDENT:

Further discussion? Senator Knuppel.

SENATOR KNUPPEL:

Well, if I understand the bill as explained, it leaves it optional. It...it doesn't set September the 1st and that's wherein lies the tragedy. If it was a fixed time with the mobile society we have that would be all right. But what happens is in one school district they could fix it up until January the 1st, I assume, maybe even later than that. And in another school district, they can move it back till September the 1st. And I say God pity the rest of the class if you've got a bright youngster that's held back. Now, I've experienced this in my own family and I'm going to vote No because...because of that reason. I had a...a daughter that was denied access to the school because she was born in December, we moved from one

district to another and she was a year behind the rest of the kids and she clobbered the hell out of them. And it certainly isn't much fun, it certainly isn't much fun for a youngster who was born on the 29th day of August to be running up against a kid that's a year older that was born the year before on the 1st day of...of September and leave the school board decide on some...how they feel or which side of their back side they scratched that morning. I think that...that we ought to be somewhat consistent in it and I agree with...with Senator McMillan.

PRESIDENT:

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Mr. President and fellow Senators. This is a situation that we're going to make a change now in a...in a procedure that has been going on for a number of years. In my own case, my birthday is November the 30th and I was five years old when I started to school. A lot of us, I'm sure, fell into that sort of category, we turned six shortly thereafter. I agree with whoever the speaker was that said because a couple of clinical psychologists come in and say this is bad. Have you ever...observed any of the clinical psychologist's children. Some of them are not exactly wonders to behold, I can assure you. Another thing that bothers me is a more immediate problem and I guess I ought to declare my conflict right now. I have a daughter who is five in kindergarten and I've been kidding her about being held back in kindergarten this year. Her birthday's not until September the 25th. If we...if we pass this bill, does that mean she can't start the first grade this year if my school board decides to do that. And I'm going to be...I...I just can't understand why we need to make this change now. The system has been going on for a number of years. It's been successful. There are no doubt some

problems with it. If we change this, it's going to create a new set of problems, an entirely new set of problems. I see no reason to...to make a change now. I'm going to take the good conservative stance and go with...with the status quo.

PRESIDENT:

Any further discussion? Senator Davidson may close the debate.

SENATOR DAVIDSON:

First to answer your question, no it won't keep her from school 'cause it doesn't take effect until July 1, 1980. So she will already be in school. Secondly, the request was optional because the request from the two school districts who came in and made the request who traveled several hundred miles, one from Rockford and one from Rock Island to attend a meeting in Bloomington to be a test...a witness to the need for this. I suggested to them that I didn't want to make it mandatory, because of the impact on each school district. Let each school district make it's own. Now, the mandatory used to be mandatory September 1 for those of you who are older than I and my age because I got in on the wire by August 31st 'cause it used to be a September 1 cutoff. And they can continue if the school district wants to continue December 1, November 30th or October 1. But they cannot...they cannot take it past December 1, the statute is a mandatory cutoff December 1 now. So if you're born December the 2nd you're out of luck. This gives the school board an opportunity. Now maybe you don't agree with the clinical psychologist's and the only reason they...that was thrown in because the school boards who came down and made the request, cited the case history of students for a number of years who had started to school at the late birthday and their learning difficulties followed them throughout life. Now, if you want to saddle yourself with that, go ahead and vote No. If you want to give...if all of you who say you're for local government want let...let go...excuse

me, the local elected officials make the decision, that's what this bill's all about. The local board has the option to change any place from December 1 back to September 1 anywhere...in between that they choose. And if it doesn't affect their financial aid or they think it's for the best interest of the child to change it, then vote Aye. This had a unanimous vote out of the School Problems Commission. Had a unanimous vote out of Elementary Ed here in the Senate. It's had a lot of hearing, it's here because school districts request it. I urge a favorable vote.

PRESIDENT:

The question is shall Senate Bill 491 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 19, the Nays are 26, 2 Voting Present. Senate Bill 491 having failed to receive a constitutional majority is declared lost. 493, Senator Regner. On the Order of Senate Bills 3rd reading, Senate Bill 493. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 493.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Regner.

SENATOR REGNER:

Mr. President and members of the Senate. This bill implements a constitutional provision and what it does, it limits the amount of bonded indebtedness payable from ad valorem property tax receipts for, that home rule municipalities may incur without referendum. Limits to three percent of assessed valuation of taxable property from municipalities with population of five hundred thousand or more. One percent for municipalities with population of more than twenty-five thousand and less than five

hundred thousand and one-half of one percent from municipalities with a population of twenty-five thousand or less. The intent of the bill, of course,is to protect the taxpayers. We've had many proposals, a lot of talk in the last two years about legislation, both constitutional amendments and statutory legislation to limit the taxes that our people will be...will be... put upon them. I think they, as I said, this is a taxpayers proposal. I think the taxpayers will like it, that they don't have to have the continual fear that government will expand without their approval. And I'd urge a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, members of the Senate. Senator Regner's proposal is laudable in its concern for the taxpayers. But we have one problem that I could see immediately and that's since the Personal Property Tax has been removed as a basis for your assessed valuations, that...that limits that our municipalities have incurred at this point may exceed the percentages that he has indicated in his bill. I know, Chicago alone, is facing this problem, not only in the city, but in its local governmental agencies, in the park districts, in the forest preserve districts where they have contracted work on the assumption of issuance of bonds that now with the removal of the Personal Property Tax as a base, they cannot, cannot, issue bonds unless they raise their...tax base or raise their rate. This bill will compound that problem. It may be laudable and it may a coming idea, but at this point when the supreme court invalidated the use of the Personal Property Tax as a base, this will throw not only Chicago, but I think every municipality that we have in the State of Illinois into a...confusion and a confrontation with their present indebtness. I would ask that you look at this bill. I think we should defeat it at this

point or put in in some interim study committee for study and to have these rates readjusted for further consideration. At this point, I think municipalities with heavy concentration of personal property would be hit the hardest and the imposition of this debt ceiling might put some of them in a position where their debt limits are already in excess of what this bill proposes. I would urge its defeat.

PRESIDENT:

Further discussion? Senator Rhoads.

SENATOR RHOADS:

Thank you, Mr. President, members of the Senate. Just in response briefly to Senator Savickas. Senator, I think you're missing a golden opportunity here and that is if Senator Egan's bill passes and we amend this bill over in the House to provide that our replacement will be the base, the base will be seven hundred million rather than four hundred and fifty million. I ...I think you're just missing a tremendous opportunity here to help out the City of Chicago. I...I just can't understand your attitude.

PRESIDENT:

Further discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President, members of the Senate. I...I find all kinds of difficulties with this bill. It...it really, you know, the Constitutional Convention and all of the...the...the people that were there intended to restrict the ad valorem indebtedness and what they've, on short term debts, not on long time debts, this...this does not follow the...the desire of the Constitutional Convention. It's as restrictive as it could be and it doesn't even attend to those indebtednesses as of July of 1971, let alone the ones that are currently being...currently arising. I think it's...we can have a lot of fun with this, fellows, we can laugh about it, but let me tell you what you're doing here is very serious.

And I don't think that...I don't think you're being responsible. There's...there are even technical problems with the bill. And you know what they are as well as I do. I think it's a dangerous thing to do. Have all the fun you want, I'm just telling you that you're not acting responsible.

PRESIDENT:

Any further discussion? Senator Carroll.

SENATOR CARROLL:

I also rise in opposition to it. I think some of the members should be aware that many of their municipalities back home are well over what would now become the ratio even though they were lawful at the time that these ratios were not in existence. In other words today they would be valid, were this bill to become law, they would become invalid. I think Decatur, Highland Park, Quincy, Rockford, Flora, South Holland, Rosemont, Stone Park, Watseka, Wheeling and many, many others, just to mention a few, would be well within the illegalities provided by this act. I think members who represent those areas should take note and act accordingly.

PRESIDENT:

Further discussion? Senator Regner may close the debate.

SENATOR REGNER:

Just very shortly, one thing I would like to point out. Indebtedness outstanding and the effective date of the constitution or thereafter...or there for approved by referenda or assumed from another unit of Local Government is not included in the ...in the limits set forth by the Constitution or this particular proposal. The choice is very simply, Ladies and Gentlemen, it's a very simple choice. Are we going to do something for the taxpayers this Session or are we not. I haven't seen anything that effectively proposes to do anything to set any limits on any kind of debt or spending. This bill does. Senator Savickas, you made a comment that possibly the rates set forth are wrong. They

may well be, but the...bill does have to go to the House. They'll be consideration for the next seven weeks. As to what happens on the Corporate..Personal Property Tax and if there are any changes necessary, I'm sure we'll be ready to make them. And I ask for a favorable roll call.

PRESIDENT:

The question is shall Senate Bill 493 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that...sponsor has requested that further consideration be postponed. So ordered. That, I think,Senator, is a lovely note on which to conclude the afternoon proceedings. We do have a couple of other items. Senator Coffey has a bill. With leave of the Body we will go to the Order of House Bills on 2nd reading and move that bill to passage stage. It is of an emergency nature. With leave of the Body, we'll be on the Order of House Bills 2nd reading. On the Order of House Bills 2nd reading, House Bill 1081. Read the bill, Mr. Secretary.

SECRETARY:

House...House Bill 1081.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, Senate Bill 870, which we passed over the other day. There's an amendment and I'd like to...amend that bill on 2nd and move it on to 3rd please. Well, we...we have about forty-five amendments pending. We

will get to that order tomorrow. Senator Graham. Okay. We have done, I think, yeoman's work today, 66 bills were addressed in one fashion or another, so we're down under 700 I assume. I have an announcement that the press corps has asked me to make. The tickets for the Legislative Correspondents Association Annual Gridiron Dinner and Show and sale now from the press corps. The show is next Tuesday night, May 22nd at the Forum XXX. Tickets it says it says here usually go fast so get orders in as soon as possible. All are invited. Any further announcements or further business to come before the Senate? I will remind you that for the past two days we have attempted to start at noon and have, in fact, started 3rd reading at 1:15. So tomorrow on Wednesday, May 16, we will start at the hour of 1:00 o'clock. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. Purpose of an announcement. Remind the membership we have a practice softball game tomorrow night at 6:00 o'clock. The Senate versus our staff.

PRESIDENT:

Any further announcements? If not, Senator Donnewald moves that the Senate stand adjourned until Wednesday, May 16, at the hour of 1:00 o'clock p. m. I would urge the membership to please be present, we will start immediately. The Senate stands adjourned .